STUDENTS SCHOOLING STUDENTS: GAINING PROFESSIONAL BENEFITS WHILE HELPING URBAN HIGH SCHOOL STUDENTS ACHIEVE SUCCESS

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This article looks at the educational plight of urban low income children and explores the opportunities for success that small urban high schools provide. It then distills commonalities among successful small schools to demonstrate three central points: 1) that small is essential but not sufficient; 2) that small schools offer an opportunity for urban school districts to help improve educational opportunities for disadvantaged students by providing a fertile environment where individualized instruction, more class time, better-trained teachers, and a curriculum that prepares students psychologically and emotionally, as well as intellectually can help them overcome the adverse effects of poverty; and 3) that law students can benefit from supporting educational reform by partnering with small schools in urban communities.

INTRODUCTION

The evidence is now overwhelming that if you take an average low-income child and put him into an average American public school, he will almost certainly come out poorly educated.[1] [T]o those who need the best our education system has to offer, we give the least. The least well-trained teachers. The lowest-level curriculum. The oldest books. The least instructional time. Our lowest expectations. Less, indeed, of everything that we believe makes a difference.[2]

As Lisa Gonsalves and John Leonard observed, "[t]here remains a class of inner city high schools that has proven impervious to reform."[3] These schools exist in almost every U.S. city,

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[1] Paul Tough, *What It Takes to Make a Student*, N.Y. TIMES, Nov. 26, 2006, § 6 (Magazine), at 44.

[2] COMM'N ON CHAPTER 1, MAKING SCHOOLS WORK FOR CHILDREN IN POVERTY 12 (1992).

[3] LISA GONSALVES & JOHN LEONARD, NEW HOPE FOR URBAN HIGH SCHOOLS: CULTURAL REFORM, MORAL LEADERSHIP, AND COMMUNITY PARTNERSHIP 2 (2007).

and the largest urban centers have several.[4] The lack of academic achievement in such schools is common knowledge, as is the disparity along racial and socioeconomic lines.[5]

Students attending these troubled urban high schools often live in fragmented communities, but while they share certain characteristics, they are not homogenous.[6] Some have supportive parents, but may be neglected or bullied at school because they are quiet or because their parents are unable to advocate for them as a result of not knowing how to navigate the system.[7] Others "may have strong relationships at school, but be isolated in their neighborhoods and neglected at home."[8] Some come from supportive homes, but their parents are unable to maintain strong connections with the school because of the burdens of poverty and single parenthood.[9]

Thus, students in failing urban high schools share certain commonalities – being left to sink or swim on their own[10] and experiencing poverty.[11] Their shared experience of poverty adversely affects their academic achievement.[12] Poverty influences "how students approach writing, . . . speak to their teachers and other adults, and how they handle conflict."[13] Consequently, "[t]he children who attend our most troubled urban high schools need culturally

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[4] *Id.*

[5] For example, "[a] public school that enrolls mostly well-off white kids has a 1 in 4 chance of earning consistently high test scores" whereas "a school with mostly poor minority kids has a 1 in 300 chance." Tough, *supra* note 1 (citing DOUGLAS N. HARRIS, EDUC. POLICY STUDIES LAB., ENDING THE BLAME GAME ON EDUCATIONAL INEQUITY: A STUDY OF "HIGH FLYING" SCHOOLS AND NCLB (2006), *available at* http://epsl.asu.edu/epru/documents/EPSL-0603-120-EPRU.pdf (studying the Education Trust's report on "high flying" schools, CRAIG D. JERALD, EDUC. TRUST, DISPELLING THE MYTH REVISITED (2001))).

[6] *See* GONSALVES & LEONARD, *supra* note 3, at 183.

[7] *Id.*

[8] *Id.*

[9] *Id.*

[10] *Id.*

[11] *See id.* at 191. Those living in poverty over long periods develop norms and beliefs that shape their approach to life. These cultural norms and beliefs may conflict with those of the dominant culture making it more difficult to attain success. The authors here posit that incorporation of social and leadership skills in small urban high schools provides an opportunity to address these issues. Further, this article suggests that law schools can support these efforts while providing law school students with unique opportunities for professional development.

[12] *See id.* at 190.

[13] *Id.* at 191.

based and community-based reforms"[14] that extend beyond the usual focus on improving academics.

It is becoming increasingly clear that the key to addressing the public education crisis in American urban schools is to reform schools "with a mix of cultural, curricular, and structural reforms" that "keep[s] academics at the forefront without taking away those life enhancing aspects of schooling that make[s] school relevant and engaging for students."[15] As Paul Tough noted in his summary of various research findings showing the relationship between family dynamics and student performance, schools achieving results with students from disadvantaged backgrounds employ "radically different and more intensive" methods.[16] These approaches essentially supplement traditional cognitive development with critical social skills training that imparts norms essential to success but often absent in these students' homes or communities.[17]

Marshall Lih of the National Science Foundation in Arlington, Virginia observed that "[s]ome time ago, our schools stopped teaching values for whatever reasons. Up and down the corporate ladder, we now reap the ills of that decision."[18] The effects in urban high schools are devastating. As one law student pondered aptly, how can disadvantaged students in urban schools "effectively compete – on the SATs, on the job, in the classroom, in the boardroom – with students whose education was tailored for professionalism from age five?"[19] Therefore, leadership and social skills, including proper "[p]osture, voice, etiquette, accuracy, temperance, and general professionalism[,]" matter in urban high schools "at least as much as academic

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[14] *Id.* at 193.
[15] *Id.* at 193-94.
[16] Tough, *supra* note 1.
[17] *See id.*
[18] Marshall M. Lih, *Cultivating Leadership & Stewardship*, CDTL BRIEF, Apr. 2003, *available at* http://www.cdtl.nus.edu.sg/brief/V6n4/default.htm.
[19] Memorandum from Kerry Cooperman, Clinic Student, University of Maryland School of Law, to author (Mar. 22, 2008) (on file with author).

skills."[20] Echoing similar sentiments, researchers are increasingly linking these skills to academic achievement.

Citing a forthcoming research review, Debra Viadero advised educators to pay more attention to teaching students "to manage their emotions and to practice empathy, caring, and cooperation" to potentially improve academic achievement.[21] This forthcoming study suggests that doing so produces improvements in behavior and performance, as measured by grades and test scores.[22] In fact, "'[t]he impact . . . is almost twice that of studies on class-size improvements'" and the results are not ephemeral.[23]

In sum, for poor students to catch up, they require education that is considerably better than that which middle-class children receive including more class time, better-trained teachers, and "a curriculum that prepares them psychologically and emotionally, as well as intellectually . . . ."[24] This includes transferring the norms and social skills urban students will need to succeed academically and professionally. One recent trend in education reform may provide an opportunity to implement these objectives.

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[20] *Id.*

[21] Debra Viadero, *Social-Skills Programs Found to Yield Gains in Academic Subjects*, EDUC. WK., Dec. 19, 2007, at 1. Educational programs to develop these social and emotional skills might include character education lessons, prevention programs, or conflict-resolution training. *Id.* One astute observer related these skills to the notion of "cultural capital," defined as "'the general cultural . . . knowledge, disposition, and skills . . . passed from one generation to the next' . . . that ultimately determine academic, social and economic success." Cooperman, *supra* note 19 (quoting JAY MACLEOD, AIN'T NO MAKIN' IT (1995)). Because academic success depends in part on familiarity with the dominant culture's capital, excluded students underperform. *See id.*

[22] Viadero, *supra* note 21.

[23] *Id.* (quoting Roger P. Weissberg, co-author of the report). Readers should view these results with some skepticism because as of the time this article was written, the results had not yet been published in a peer-reviewed journal. *Id.* It is also important to note that small school proponents distinguish the effectiveness of small schools from small class size. *See, e.g.*, Chicago Public Schools, Small Schools: Research, http://smallschools.cps.k12.il.us/research.html (last visited Oct. 2, 2008) ("'Mitchell (2000) reminds us that in the studies conducted by Howley and others, school size had such a powerful positive effect on the achievement of poor students that it even trumped the beneficial effects of class size.'" (quoting KATHLEEN COTTON, NW. REG'L EDUC. LAB., NEW SMALL LEARNING COMMUNITIES: FINDINGS FROM RECENT LITERATURE (2001) [hereinafter COTTON (2001)], *available at* http://www3.scasd.org/small_schools/nlsc.pdf)).

[24] Tough, *supra* note 1.

The small schools movement sweeping across American cities may be the reform effort that creates an environment conducive to implementing such holistic approaches, and law students[25] can contribute to and benefit from it. Disadvantaged students in urban high schools across the country are showing recent signs of progress, which some attribute to smaller schools. Although small schools have proven successful to varying degrees, the recent shift in urban areas of the United States from comprehensive high schools to small schools has demonstrated that success is not a certainty and small schools face their own set of challenges. Nonetheless, small schools offer an opportunity for success, as well as an opportunity for law students and others to support urban school reform while reaping professional benefits in return.

To that end, this paper explores the small schools movement and examines briefly its successes and shortcomings. It is not an attempt to compile the body of research supporting small schools as other researchers have done so competently.[26] Instead, this article attempts to distill commonalities among successful small schools to demonstrate three central points: 1) that "small is essential but not sufficient;"[27] 2) that small schools offer an opportunity for urban school districts to help improve educational opportunities for disadvantaged students by providing a fertile environment where individualized instruction, more class time, better-trained teachers, and "a curriculum that prepares [students] psychologically and emotionally, as well as

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[25] While the authors focus here on law students, the opportunity described herein is not limited to law students. For example, DLA Piper is implementing a signature project to help alleviate the problems facing students in the Baltimore City public schools. Specifically, DLA Piper's support will provide a legal clinic serving students and their families, as well as conducting legal workshops and co-teaching courses with students from the University of Maryland School of Law and providing mentoring to students at the Baltimore Freedom Academy. DLA Piper's Baltimore Signature Project (on file with author).

[26] *See, e.g.*, KATHLEEN COTTON, NW. REG'L EDUC. LAB., SCHOOL SIZE, SCHOOL CLIMATE, AND STUDENT PERFORMANCE (1996) [hereinafter COTTON (1996)], *available at* http://www.nwrel.org/scpd/sirs/10/c020.html; COTTON (2001), *supra* note 23; Craig Howley, *Small Schools*, *in* SCHOOL REFORM PROPOSALS: THE RESEARCH EVIDENCE 49, 49-77 (Alex Molnar ed., 2002); *see also* Chicago Public Schools, *supra* note 23 (compiling research).

[27] BOSTON PLAN FOR EXCELLENCE, SCHOOL CLIMATE IN BOSTON'S HIGH SCHOOLS: WHAT STUDENTS SAY 17 (2004), *available at* http://www.bpe.org/documents/HSClimateRpt2004.pdf.

intellectually"[28] can help them overcome the adverse effects of poverty; and 3) that the legal

profession[29] can benefit from supporting educational reform by partnering with small schools in

urban communities.

I.   FROM WHENCE SMALL SCHOOLS CAME: THE EXISTING AMERICAN PUBLIC SCHOOL MODEL

The typical American high school is a tuition-free, district-based, large high school that

offers major and minor courses across four grade levels.[30] This institution has operated for

approximately 150 years and has served as a place where children receive an education that will

prepare them for life and teach the skills necessary to make a meaningful contribution to

society.[31] Large comprehensive high schools were preferred historically based on the belief that a

larger school could offer more curriculum choices at a reduced per pupil operating cost.[32]

Specifically, *The American High School Today*, published in 1958 by James Bryant

Conant, a former chemistry professor and president of Harvard University, espoused that only

large schools could offer competitive high-level courses at reasonable operating costs.[33] Conant's

work spurred a large school movement[34] that increased the size of smaller schools, causing the

number of school buildings to decline from nearly 250,000 to approximately 95,000 over the past

seventy-five years.[35] While the number of facilities has decreased dramatically, the number of

students enrolled in kindergarten through twelfth grade has increased from twenty-eight million

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[28] Tough, *supra* note 1.

[29] Again, the focus herein is on the legal profession; however, other professions can similarly benefit.

[30] Charles Dukes & Pamela Lamar-Dukes, *Special Education: An Integral Part of Small Schools in High Schools*, HIGH SCH. J., Feb.-Mar. 2006, at 1, 2.

[31] *Id.*

[32] KENNETH R. STEVENSON, NAT'L CLEARINGHOUSE FOR EDUC. FACILITIES, SCHOOL SIZE AND ITS RELATIONSHIP TO STUDENT OUTCOMES AND SCHOOL CLIMATE: A REVIEW AND ANALYSIS OF EIGHT SOUTH CAROLINA STATE-WIDE STUDIES 1 (2006) (citing JAMES BRYANT CONANT, THE CHILD, THE PARENT AND THE STATE (1956); ELLWOOD PATTERSON CUBBERLEY, RURAL LIFE AND EDUCATION: A STUDY OF THE RURAL-SCHOOL PROBLEM AS A PHASE OF THE RURAL-LIFE PROBLEM (1922)), *available at* http://www.edfacilities.org/pubs/size_outcomes.pdf.

[33] BARBARA KENT LAWRENCE ET AL., KNOWLEDGE WORKS FOUND., DOLLARS & SENSE: THE COST EFFECTIVENESS OF SMALL SCHOOLS 2 (2002), *available at* http://www.kwfdn.org/resource_library/_resources/dollars_sense.pdf.

[34] *Id.*

[35] STEVENSON, *supra* note 32.

to over fifty-three million in the same period.[36] Today, "[s]eventy percent of . . . students attend schools with more than 1,000 students . . . ."[37]

An expansive school building housing thousands of students once represented access to the American Dream. As former Secretary of Labor Elizabeth Dole explained, "if you do not possess the basic skills required to survive in today's world, then you cannot get into the system, you cannot get a job, you cannot succeed, and you will spend a lifetime on the outside looking in."[38] The American Dream is an important part of the American culture, and education is a critical channel by which less-advantaged children can achieve that Dream.[39] Now more than ever, a quality education is imperative because it links directly to the future economic success of our nation.[40] Unfortunately, the pitiful quality of education offered in many schools and the dismal graduation rates across the nation[41] suggest the American Dream may be slipping away for students in urban communities. The failure of the current school system to meet today's demands therefore calls into question the large comprehensive high school model.

Over the past fifteen years, small school advocates have asseverated that small schools can improve academic achievement of students who have not succeeded in larger high school settings, increase graduation rates, improve student behavior, and promote greater involvement

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[36] *Id.*

[37] What Kids Can Do, Learning in a New Key, http://www.whatkidscando.org/specialcollections/student_learning/portfoliohome.html (last visited Oct. 2, 2008).

[38] Elizabeth Dole, Sec'y of Labor, State of the Work Force Address 3 (Oct. 26, 1991).

[39] Susan P. Leviton & Matthew H. Joseph, *An Adequate Education for All Maryland's Children: Morally Right, Economically Necessary, and Constitutionally Required*, 52 MD. L. REV. 1137, 1145 (1993).

[40] *Id.* at 1147. In recent decades, the United States has shifted from a manufacturing and industrial based economy to a service and technology economy. Jose A. Cardenas, *Political Limits to an Education of Value: The Role of the State*, *in* ACCESS TO KNOWLEDGE: THE CONTINUING AGENDA FOR OUR NATION'S SCHOOLS 275, 284 (John I. Goodlad & Pamela Keating eds., rev. ed. 1994). As a result, businesses cannot absorb the growing pool of unschooled and untrained laborers, and large groups of uneducated individuals create a financial drain on our social and economic system. *Id.* The uneducated class creates a financial liability because of "lost wages, lost taxes, incarceration, rehabilitation, welfare, and delinquency . . . ." *Id.* Moreover, there is a shortage of a skilled workforce to fill service and technology based business positions. *Id.*

[41] According to a Gates Foundation report, only 30% of the nation's ninth graders will graduate with the skills needed to continue on to college or into the workforce. BILL & MELINDA GATES FOUND., HELPING HIGH SCHOOL STUDENTS PREPARE FOR – AND AFFORD – COLLEGE 1 (2006).

in co-curricular activities.[42] While not a universal remedy, small schools show promise,
particularly in urban areas. Based upon the expected benefits of small schools and initial positive
outcomes, the small school movement has taken hold and urban school districts across America,
including Boston, Chicago, New York, Philadelphia, San Francisco, Seattle, and Oakland have
turned to small schools as a solution for their failing education systems.[43]

II.   A NEW FRONTIER: THE SMALL SCHOOLS MOVEMENT

A. SMALL SCHOOLS: THE PREMISE

During the last three decades, mounting concerns about the quality of public education
have driven numerous educational reform efforts.[44] The small schools movement, one such
reform, gained prominence during the mid-1970s.[45] At that time, "Deborah Meier and a group of
like-minded teachers founded Central Park East Elementary School in Harlem, New York"
premised on the belief "that putting an emphasis on the size of the school would successfully
bring the rigor and challenges found in many private schools to students in low-income
communities."[46] Alternative high schools created earlier in the 1960s and through the next two
decades gave rise to the plethora of new small schools developed during recent years.[47]

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[42] KENNETH R. STEVENSON, NAT'L CLEARINGHOUSE FOR EDUC. FACILITIES, EDUCATIONAL TRENDS SHAPING
SCHOOL PLANNING AND DESIGN: 2007, at 2 (2006), *available at* http://www.edfacilities.org/pubs/trends2007.pdf .

[43] DAN FRENCH, MARY ATKINSON & LEAH RUGEN, CREATING SMALL SCHOOLS: A HANDBOOK FOR RAISING EQUITY
AND ACHIEVEMENT 5 (2007). For example, as of April 2007, New York City had opened 184 separate small
secondary schools under city governance since 2002 and plans to open additional schools. The newer of these
schools generally enroll up to 600 students, while the older schools enroll up to 450. Bess Keller, *Cultures of
Commitment*, EDUC. WK., Apr. 18, 2007, at 24. Similarly, Los Angeles has approved 143 "small learning
communities" ("SLC") programs that will enroll no more than 600, and as of April 2007, Chicago was operating
fifty SLCs with plans to divide fifteen large high schools into another sixty small learning communities. Chicago
also operates twenty separate small schools and ten new charter schools. *Id.*

[44] Robin Jacobowitz et al., *The Effectiveness of Small High Schools, 1994-95 to 2003-04*, at 1 (Inst. for Educ. & Soc.
Policy, Working Paper 2007).

[45] FRENCH, ATKINSON & RUGEN, *supra* note 43.

[46] *Id.*

[47] Jacobowitz et al., *supra* note 44.

By 2000, the consolidation trend had reversed due at least in part to low test scores,[48] and school districts sought innovative alternatives to the prior large comprehensive model. In 2001, the Bill and Melinda Gates Foundation began offering grants to reform schools using small school models. Since then, the small school movement has burgeoned as the preferred solution, as reflected in the increasing numbers of urban school districts implementing some form of school design that capitalizes on the small schools reform movement, including Baltimore City.

The small schools movement "developed out of the fairly simple concept that schools ought to be places where each child is known, visible, and valued by at least one caring adult who takes responsibility and accepts accountability for the child's learning."[49] One of the primary rationales behind the small schools movement stresses, "changing the nature of the interactions in school to create more effective learning and teaching."[50] These schools address systemic ineffectiveness and seek to "improve dramatically educational experiences and outcomes for students and their families."[51] The unifying "vision calls for maximum autonomy and flexibility . . . in exchange for strong accountability . . . ."[52] Proponents of the small school movement, teachers, parents, and students, hail the small school model as one that promotes academic success, builds character, and instills community and civic values.[53]

B. SMALL SCHOOLS: THE DEFINITION

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[48] Several additional factors are also driving the small schools movement "including . . . rising drop-out rates, increased school violence, an impetus toward career and character education in schools, and a trend toward more learner-oriented educational strategies." Linda Starr, *Are Smaller Schools the Answer?*, EDUC. WORLD, Feb. 22, 1999, http://www.educationworld.com/a_admin/admin/admin101.shtml.

[49] FRENCH, ATKINSON & RUGEN, *supra* note 43.

[50] Transcript of Posting of Lewis Cohen, Executive Director of the Coalition of Essential Schools, to Education Week (Making Big Schools Smaller), http://www.edweek.org/chat/transcript_10_30_2007.html (Oct. 30, 2007).

[51] FRENCH, ATKINSON & RUGEN, *supra* note 43.

[52] *Id.* at 5-6.

[53] *See* COTTON (1996), *supra* note 26 (seminal report on the benefits of small schools asserting that small schools can: (1) be cost efficient; (2) produce academic achievement equal or superior to larger schools; (3) cultivate more positive student attitudes; (4) yield more positive student behavior; (5) have better student attendance; (6) have lower student drop out rates; (7) facilitate a greater sense of belonging among students; and (8) promote better interpersonal relationships among students, teachers, and administrators).

The term "small schools" is not as simple a term as it seems at first glance because "no agreement prevails, even among small-schools advocates, about what defines a small school."[54] Generally speaking, "high schools enrolling 400 or fewer and K-8 or K-6 elementary schools enrolling 200 or fewer" are "small."[55] Other sources vary slightly in their definitions of small, ranging from 500[56] to 600.[57]

Generally, there are four types of small schools.[58] The first is a freestanding new small school housed in its own building.[59] The second is a freestanding school that has been historically small rather than created as a new small school.[60] The third is a school-within-a-school, which is usually a smaller school housed within a larger host school.[61] Fourth is the multi-school, which is several small schools housed in a single large building.[62]

In addition to definitions based on size and structure, some "define small schools as those that share a set of common characteristics."[63] From this viewpoint, small schools are autonomous in that the school community retains authority to make decisions regarding the school even if the school is housed in another school's building.[64] They usually maintain their own administration, principal, faculty, students, curriculum, budget, and schedule.[65] Even where they share space

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[54] Howley, *supra* note 26, at 51.

[55] *Id.*; *see also* Small Schools Project, What are Small Schools, http://www.smallschoolsproject.org/index.asp?siteloc=whysmall&section=whatss (last visited Oct. 2, 2008) ("Few effective small schools serve more than 400 students, and many serve no more than 200 students.").

[56] *See* What Kids Can Do, *supra* note 37.

[57] *See* Chicago Public Schools, Small Schools: What are Small Schools?, http://smallschools.cps.k12.il.us/whataress.html (last visited Oct. 2, 2008).

[58] *See* PATRICIA A. WASLEY ET AL., BANK ST. COLL. OF EDUC., SMALL SCHOOLS: GREAT STRIDES: A STUDY OF NEW SMALL SCHOOLS IN CHICAGO 16 -17 (2000), *available at* http://www.bankstreet.edu/gems/publications/smallschools.pdf.

[59] *See id.* at 16.

[60] *See id.*

[61] *See id.*

[62] *See id.* This model may be formed by splintering a comprehensive high school into several small schools. *Id.*

[63] Small Schools Project, *supra* note 55.

[64] *Id.*

[65] Chicago Public Schools, Small Schools: Types of Small Schools, http://smallschools.cps.k12.il.us/types.html (last visited Oct. 2, 2008).

with one or more other schools, they often "run completely independently, but ha[ve] the benefit of sharing common spaces such as the athletic facilities and cafeteria."[66] The schools endeavor to provide a personalized and focused education, meaning that a small school does not try to provide every opportunity to everyone; rather, it is themed to serve certain interests.[67]

Equity is another important characteristic defining small schools as they aim to educate everyone to a high standard and eliminate the achievement gap between different groups of students.[68] Small schools can use multiple forms of assessment to evaluate students. This allows students to demonstrate their knowledge through varying methods and affords different groups of students a chance to demonstrate proficiency.[69] Lastly, small schools recognize that parents play a key role in their child's education and therefore engage the parent in the school community.[70] At the heart of all of this is the shared common belief "that students will learn more, have better lives at school, and go on to better futures when they don't get lost in the crowd."[71]

C. SMALL SCHOOL RESEARCH OUTCOMES

The research on small schools is quite voluminous. The Chicago Public School System's website notes:

> There is almost 40 years of existing research and literature on small schools which indicates that students in small schools have higher attendance and graduation rates, fewer drop-outs, equal or better levels of academic achievement (standardized test scores, course failure rates, grade point averages), higher levels of extra-curricular participation and parent involvement, and fewer incidences of discipline and violence.[72]

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[66] *Id.*
[67] *Id.*
[68] *Id.*
[69] *Id.*
[70] *Id.*
[71] WHAT KIDS CAN DO, THE SCHOOLS WE NEED: CREATING SMALL HIGH SCHOOLS THAT WORK FOR US 5 (2003), *available at* http://www.whatkidscando.org/publications/pdfs/bronxbooklet.PDF.
[72] Chicago Public Schools, *supra* note 23. The website identifies many examples of positive research findings. Although research dates this far back, the small schools movement can be divided temporally, with recent efforts characterized more appropriately as the "new small schools movement." *See* WASLEY, *supra* note 58, at 12.

Early research demonstrated that small schools could improve performance by increasing attendance rates, decreasing the drop out rate, and increasing the average school GPA. The Banks Street College of Education in Chicago presented a study of such findings.[73] The study determined that small schools were more likely to be housed in poorly performing schools and that students in small schools were among the most academically disadvantaged in the Chicago school system.[74] Despite the unfavorable demographic data, the researchers also found that the small schools outperformed their larger counterparts on a number of measures including GPAs, attendance rates, and drop out rates.[75] While this Banks Street study only spanned two years,[76] the achievement improvement was marked.[77]

Initial research on small school reform also indicated that a small school is likely to provide a less violent environment than a larger school.[78] Additionally, 52% of principals of small schools reported no major discipline problems, while only 14% of principals at large schools said that they had no major discipline problems at their school.[79] Student alcohol, drug, and tobacco use are all more likely in larger schools.[80] This data suggests that a smaller school provides a safer learning environment.

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[73] WASLEY, *supra* note 58. This study was prepared in 2000, and at the time it was the largest compilation of small school data. *Id.* The researchers conducted a two year study of Chicago's small schools to uncover outcomes and extract lessons for the future. The study focused on 150 small schools founded between 1990 and 1997. *Id.* at 11.

[74] *Id.* at 14. The students were one quarter of a year behind their peers in math, and one fifth of a year behind in reading. *Id.* at 15.

[75] The high school drop out rate was lower in both types of small schools. *Id.* at 30. High school students at small schools also had higher GPAs. Freestanding small high schools had an average GPA of 1.98, slightly higher than the 1.96 average for non-small school students. The difference in small schools within a school was more significant as students achieved an average GPA of 2.11 while the average in their host school was 1.89. *Id.* at 32.

[76] *Id.* at 11.

[77] *Id.* at 34-39, 63-68.

[78] *See* Mary Anne Raywid, *Small Schools: A Reform that Works*, EDUC. LEADERSHIP, Dec. 1997-Jan. 1998, at 34, 35.

[79] JON BAILEY, CTR. FOR RURAL AFFAIRS, THE CASE FOR SMALL SCHOOLS 1 (2000) (citing NAT'L CTR. FOR EDUC. STATISTICS, U.S. DEP'T OF EDUC., VIOLENCE AND DISCIPLINE PROBLEMS IN U.S. PUBLIC SCHOOLS: 1996-97 (1998)), *available at* http://www.cfra.org/files/caseforsmallschools.pdf.

[80] *Id.*

Research on small schools also suggests that small schools have a positive effect on student engagement and social interaction with staff.[81] Twenty-three research studies each "found that extracurricular participation rates are higher . . . in small schools than in large schools . . . ."[82] More personalized attention helps students feel less "'lost in the crowd.'"[83] Feelings of alienation are less prevalent in small schools.[84] The school is an institution that often binds a community together, and students who feel positive about their school are more likely to maintain ties with their community, thereby increasing local social capital.[85]

Current research also shows that small schools promote greater parental involvement in schools and in the community than is observed with parents of students attending larger schools.[86] For example, participation in the PTA, school volunteerism, and increased knowledge of school and community programs reflect this enhanced involvement.[87] When parents are involved more actively in the community school, social capital is accumulated, and both tangible and intangible benefits are achieved for the quality of life and economic advancement in the neighborhood.[88]

A key indicator of the success of the small school movement is increases in graduation rates. For example, the graduation rate at fifteen schools that adopted the small school model in

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[81] Thomas S. Dee et al., *The Effects of School Size on Parental Involvement and Social Capital: Evidence from the ELS: 2002*, in BROOKINGS PAPERS ON EDUCATION POLICY: 2006/2007, at 77, 94-95 (Tom Loveless & Frederick M. Hess eds., 2007) [hereinafter BROOKINGS PAPERS].

[82] BAILEY, *supra* note 79, at 2. Another point to consider is that while larger schools may offer more choices for extracurricular activities, the wide array of choices may dilute participation. Small schools, by comparison, can focus and concentrate student involvement. Additionally, students in small schools cannot hide among the crowd and remain withdrawn as easily as their larger school counterparts.

[83] Douglas N. Harris, *Class Size and School Size: Taking the Trade-Offs Seriously*, in BROOKINGS PAPERS, *supra* note 81, at 137, 137.

[84] *See* BAILEY, *supra* note 79, at 2.

[85] *See id.* at 2-3.

[86] Dee et al., *supra* note 81, at 95.

[87] *Id.*

[88] *See id.*

New York soared to 73% from a range of 31% to 51% where it had previously hovered[89] and surpassed the citywide rate, which was 60%.[90] Increased graduation rates are likely a result of at least two factors. First, increased proficiency in academic areas will likely contribute to a student's academic success, which makes a student more likely to continue in school.[91] Second, the close-knit community also increases the likelihood of student retention through the twelfth grade.[92]

Small school proponents have also pointed to "college-related variables," such as "entrance examination scores, acceptance rates, grade point averages," which advocates claim match or exceed those of students in larger schools.[93] The benefits of small schools appear to persist beyond graduation.[94] The work of two widely recognized researchers who evaluated results from hundreds of studies supports the aforementioned findings.

Kathleen Cotton reviewed 103 documents identifying "a relationship between school size and some aspect[] of schooling," 31 of which focused on achievement.[95] Achievement measures found in the research she surveyed "include[d] school grades, test scores, honor roll membership,

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[89]Julie Bosman, *Small Schools are Ahead in Graduation*, N.Y. TIMES, June 30, 2007, at B1. One campus of small schools at the old Erasmus Hall High School in Brooklyn reported a 92% graduation rate in 2007 compared to 40% in 2002. *Id.*

[90] *Id.* The accuracy of reported graduation rates may be questionable. For example, in 2003 New York City's Mayor Bloomberg claimed that each of the four small schools comprising the Julia Richman Education Complex then had "graduation . . . rates of over 80 percent." Press Release, New York City, $51 Million Grant from Gates Foundation to Support Small, Dynamic High Schools to Boost Student Achievement (Sept. 17, 2003), *available at* http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pageID=mayor_press_release&catID=1194&doc_name=http%3A%2F%2Fwww.nyc.gov%2Fhtml%2Fom%2Fhtml%2F2003b%2Fpr259-03.html&cc=unused1978&rc=1194&ndi=1. However, these numbers differ dramatically from a review conducted in 2003 (updated in 2008) by Insideschools.org, which reported a 60.3% four year graduation rate at one of the schools, Vanguard High School. *See* H.S. 449: Vanguard High School, http://www.insideschools.org/fs/school_profile.php?id=980 (last visited Oct. 2, 2008).

[91] *See* Bosman, *supra* note 89.

[92] *See id.*

[93] What Kids Can Do, *supra* note 37.

[94] *See, e.g.*, Rockman et al., New Technology High School Postsecondary Student Success Study (Feb. 6, 2006), *available at* http://www.newtechfoundation.org/press_articles/06_02_StudentSuccessStudy.pdf (six-month study examining postsecondary education and/or career achievements of students from a small school in Napa, California).

[95] COTTON (1996), *supra* note 26.

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subject-area achievement, and assessment of higher-order thinking skills."[96] She found that "whereas the research finds that small schools produce equal or superior achievement for students in general, the effects of small schools on the achievement of ethnic minority students and students of low socioeconomic status are the most positive of all . . . ."[97] The research also demonstrated more positive outcomes in small schools regarding attendance, drop out rates, graduation rates, levels of extracurricular participation, social behavior, and student attitudes, among other variables.[98]

Cotton followed up on her 1996 study by evaluating research findings within the intervening period. This review concluded, "[r]esearch evidence supports decreasing the size of schools to improve student outcomes, school safety, equity, and teacher and parent attitudes."[99] She discovered further that small schools were effective beyond student outcomes, such as increased morale among teachers and parental involvement.[100]

The second researcher, Craig Howley, recently completed a comprehensive study that examined scores of previous studies. He concluded, "[s]maller schools are particularly valuable in impoverished communities" and "accomplish miracles even when their test scores are about average." [101] He also made several recommendations, among them that much smaller schools should be designed, built, and sustained in impoverished districts or districts with mixed social-class composition.[102] Reformers should not oversell small schools, he cautioned; while good policy for impoverished communities, operating smaller schools is not a "magic bullet."[103] These positive outcomes associated with smaller schools are not without problematic findings,

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[96] *Id.*
[97] *Id.* (citations omitted).
[98] *Id.*
[99] COTTON (2001), *supra* note 23, at 50.
[100] *Id.* at 17.
[101] Howley, *supra* note 26, at 50, 63.
[102] *Id.* at 63-64.
[103] *Id.* at 64.

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particularly for existing large schools that were divided into small schools housed within the same building.[104]

1. SMALL SCHOOL SHORTCOMINGS

While scarce,[105] there are some arguments against small schools. Some contend that large schools offer a wider array of courses and activities.[106] On a related note, some criticize small schools structured as theme schools for pigeonholing students or limiting their post-secondary options. Research reveals additional problems.

While early data suggested that smaller schools would reduce violence, recent data shows that without proper planning, unintended consequences may arise during the transition from comprehensive urban high schools to smaller schools housed within the same building. For example, a spat of violence followed Chicago's replacing some failing larger schools with small schools.[107] Instances of student discord also contradict some of the positive research outcomes.[108]

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[104] For example, outcomes vary based on the type of small school. Recall, there are at least four types of small schools. *See* WASLEY, *supra* note 58. Current research emphasizes that brand new schools are more likely to show improved performance outcomes sooner than large schools that were divided into numerous smaller schools. BILL & MELINDA GATES FOUND., ALL STUDENTS COLLEGE READY: FINDINGS FROM THE FOUNDATION'S EDUCATION WORK 2000 – 2006, at 12-14 (2006) [hereinafter ALL STUDENTS COLLEGE READY]. When a large school splinters, yet remains in the same school building, retains most of the original staff, and most of the same student body, the new schools will likely be unable to shed themselves of the troubled culture that pervaded the former large school. *See, e.g.*, Catherine Gewertz, *Failed Breakup of H.S. in Denver Offering Lessons*, EDUC. WK., Mar. 15, 2006, at 1 (discussing the Manual High School reform effort). An evaluation of reform efforts since 2000 underscored that "[t]he excitement around the opening of a new school can inspire a renewed sense of optimism about the future of education in the community . . . ." ALL STUDENTS COLLEGE READY, *supra*, at 12. However, this is hard to achieve when reforming an existing school because everything from curriculum, instruction, and structure to relationships, culture, and leadership must change to yield positive outcomes. *Id.* at 13.

[105] As one text noted, "[a]dvocates of small schools . . . have a difficult time finding worthy opponents in the research world these days." JAY FELDMAN, M. LISETTE LOPEZ & KATHERINE G. SIMON, CHOOSING SMALL: THE ESSENTIAL GUIDE TO SUCCESSFUL HIGH SCHOOL CONVERSION, at vii (2006).

[106] *See* Herman Shum & Carly Myers, School Size in Support of Large Schools or Not!, http://www.csus.edu/indiv/p/papalewisr/journal2002/paper6.htm (last visited Oct. 3, 2008).

[107] The Chicago school board recently closed several large schools, and some of the student body began attending new small schools while the other students relocated to existing large high schools. *See* Erik W. Robelen, *Small Schools' Ripple Effects Debated*, EDUC. WK., May 3, 2006, at 1. According to some reports, since 2004, schools that have accepted students from closed schools have seen increases in violence. Rosalind Rossi, *Schools CEO Vows Closings Will Go on Despite Violence: Union Chief Seeks Halt, Says Teachers, Kids Being 'Terrorized'*, CHI. SUN TIMES, Mar. 14, 2006, at 24. These results are based upon a study of eight large Chicago high schools that have accepted students from comprehensive schools that closed in the face of small school reform. Mr. Duncan, CEO of the Chicago school system, challenges the Sun-Times analysis and asserts that overall incidents of school violence

Overcrowding presents another unintended negative consequence.[109] Some critics of the small

school movement also point to the swelling numbers of special needs students in the existing

large school.[110]

Lastly, the extent of the potential positive outcomes through small school reform may be

limited to certain student populations. While research appears to show the effectiveness of small

schools for disadvantaged students,[111] there does not appear to be any evidence available to show

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have declined by 5% in the 2006 school year. When pressed, however, Duncan acknowledged that incidences of violence had indeed increased in some areas, but had declined in others. *See* Robelen, *supra*. This evidence of increased violence in the school system is not from a large sample and further study and analysis is required among schools around the nation. Moreover, it may reflect transitional pains and not a long-term problem within small schools.

[108] As large schools close and the smaller schools cannot accommodate all the students, many students are forced to enroll in existing large schools. In those remaining schools, classes are already established and cliques and gangs are well defined. When a handful of new kids arrive, the new students are unaware of the climate in the new school, and they have no clear place. They experience innumerable changes, including new friends, location, building set up, teachers, administration, schedule, and commute. Furthermore, breaking larger high school into co-located academies within the same structure often creates tension between students as observed in some Baltimore City small schools located within old larger schools. Again though, these issues illustrate problems associated with transitioning from the pre-existing system to the small schools model. Additionally they demonstrate the difficulties accompanying this transformation and reinforce the need for substantial financial and community support, and why patience is required before passing judgment on recent reform efforts.

[109] The New York City Public Schools System is reviewing the overall effectiveness of their new small schools and is evaluating the effect that opening small schools has had on the existing large schools. Specifically, there has been exacerbated overcrowding in the large schools, and there has been an influx of special needs students in the existing large schools. Robelen, *supra* note 107. As a result of these unforeseen consequences of the small school movement, in March 2006 the Citywide Council on High Schools, a parent-advisory board to the New York City School Chancellor, passed a resolution to "'substantially delay'" the continued implementation of small school reform. *Id.* Parents in Lebanon, Oregon had a similar reaction to the small school movement after Lebanon High School was splintered into four small schools. Student schedules were shaken up, friends and grades were divided into different schools, and test scores did not budge. Julia Silverman, *Small-Schools Movement Hits Some Bumps: Broad Backlash Brings a Drop in Financial Support*, BOSTON GLOBE, Sept. 3, 2006, *available at* http://www.boston.com/news/nation/articles/2006/09/03/small_schools_movement_hits_some_bumps/. Parents further expressed concern that their children were asked to make career path decisions at the age of fourteen when they had to choose a themed high school. *Id.* As a result, parents requested that the small school movement slow its pace and allow for better planning and consideration. *See id.* While reports as to whether the closure of sixteen large high schools in New York is actually causing overcrowding are in debate, critics of the large school closures say that the small school replacements cannot accommodate as many students as are shut out of closing schools. Robelen, *supra* note 107. However, the head of the New York City's Office of New Schools, Garth Harris, claims that the new small schools actually add 5,000 seats to the system. *Id.*

[110] Robelen, *supra* note 107. This increase in New York City is a direct result of districts granting two year waivers to new small schools from having to accept students who require self-contained classrooms. *Id.* For the 2006 school year, "10.7 percent of high school students citywide were special education students, compared with 7.5 percent in the new, small schools." *Id.*

[111] *See, e.g.*, CRAIG HOWLEY, MARTY STRANGE & ROBERT BICKEL, RESEARCH ABOUT SCHOOL SIZE AND SCHOOL PERFORMANCE IN IMPOVERISHED COMMUNITIES (2000), *available at* http://www.ericdigests.org/2001-3/size.htm

improved achievement among students with disabilities.[112] Similarly, another important

consideration is the impact on English language learners,[113] though one study suggests potential

positive results among learners of English as a second language.[114] Additional challenges with

small school reform efforts stemming from a lack of community support and poorly planned

reform strategies present other cautionary insights.[115]

All of this demonstrates that small urban high schools are not the elixir of our day. They

may be necessary, but not sufficient. Accordingly, researchers have stressed that too much focus

on new governance and restructuring the schools at the expense of curriculum enhancements and

learning and teaching improvements remains a challenge for small school reformers.[116] As

school districts and administrations get caught up in the technical details of facilities, legal

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(referring to studies in Georgia, Ohio, Montana and Texas that "found that attending smaller schools helped reduce the impact of poverty").

[112] *See, e.g.*, ABELL FOUND., SPECIAL EDUCATION IN THE BALTIMORE CITY HIGH SCHOOLS: PERSPECTIVES, CHALLENGES, RECOMMENDATIONS 16 (2005), *available at* http://www.abell.org/pubsitems/ed_specbchs_1205.pdf ("There is no evidence whether small schools like Innovation high schools improved the achievement of students with disabilities. Evaluations of the benefits of small schools generally focus on school-wide outcomes.").

[113] *See, e.g.*, *id.*; Mary Ann Zehr, *A Balancing Act: NCLB's Renewal, English-Learners*, EDUC. WK., Mar. 28, 2007, at 9 ("Bethany Plett, a teacher of English as a second language in the Highline school district in Seatac, Wash., contends that a requirement of the Bill & Melinda Gates Foundation in its grantmaking for the small-schools movement has made it difficult for large high schools that have broken up into smaller schools to serve English-language learners after the breakups. . . . 'On a Gates grant, the best you can do is to put one teacher for English-language learners in every [small school],' Ms. Plett said. In the schools she has studied, she said, that has led to less help for English-learners than they received in large schools."); *see also* New York Immigration Coalition & Advocates for Children of New York, So Many Schools, So Few Options: How Mayor Bloomberg's Small High School Reforms Deny Full Access to English Language Learners (Nov. 2006) (unpublished report), *available at* http://www.advocatesforchildren.org/pubs/2005/ellsmallschools06.pdf) (providing extensive data and survey review showing positive outcomes, yet need for improvement).

[114] *See* Claire E. Sylvan, Letter to the Editor, *Student Promotion and Achievement Tests*, N.Y. TIMES, Jan. 22, 2006, § 14, at 11 (explaining that researchers found that at International High Schools, 88.7% of students graduate).

[115] The Manual High School in Denver provides an illustration. In 2001 the school split into smaller more personalized schools. Gewertz, *supra* note 104. Nevertheless, the Denver school board decided to close the three new schools in February 2006. *See id.* Evaluators found that while the schools did experience some of the expected advantages of small schools, there were some shortfalls. *Id.* Manual High School indeed achieved improved relationships between teacher and student and saw improved attendance over the five years as smaller schools. *Id.* Observers attributed this failure to "'too little community buy-in . . . .'" *Id.* Tom Vander Ark, executive director of education initiatives for the Gates Foundation, compared the Denver experience to success achieved in San Diego. He noted that the San Diego community was highly committed to the success of its new small schools and when they began, there was a district-wide focus on curriculum and instruction. *Id.* The Gates Foundation, of course, has a vested interest in the small school reform movement given its substantial advocacy and investment in recent efforts. By comparison, this Denver neighborhood lacked the community support and political backing necessary for successful school reform. *Id.*

[116] *See id.*

formation, and new roles and positions, they may lose sight of their educational goals.[117] New

small schools must also focus on innovative teaching models and technique improvement in

order to affect superior performance outcomes.[118] Additionally, they have to appreciate the need

for qualified leadership and a clear vision for their schools.[119]

Most of these problems and challenges reflect the growing pains associated with

transitioning from larger comprehensive schools, especially when using the schools-within-

schools type of small school, and do not conclusively establish a failure of the small schools

movement, particularly when viewed in light of successes found in freestanding small schools.

They do signal, of course, important planning considerations for school districts. Despite the

difficulties associated with this paradigm shift as urban high schools evolve from Conant's 1958

vision to the modern small schools model, this reform effort is proving to be worthwhile,

especially for disadvantaged urban youth.

2. ALTHOUGH A MIXED BAG, OVERALL THERE IS STRONG EVIDENCE OF EFFECTIVENESS THAT SMALL SCHOOLS OFFER AN OPPORTUNITY FOR IMPROVED STUDENT OUTCOMES

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[117] *Id.*

[118] *See* ALL STUDENTS COLLEGE READY, *supra* note 104, at 11; *see also* Lynn Olson, *An Alternative Approach to Gauging Readiness: Coalition of Small Schools in N.Y. Uses Performance Assessments*, EDUC. WK., Apr. 26, 2006, at 28.

[119] For example, the Manual High School in Denver broke up and started a new school year too quickly without setting a clear direction and mission for the new schools to follow. *See* Gewertz, *supra* note 104. Additionally, the school did not have the talented and skilled professionals on staff to forge a new path for the changing school. *Id.* Reflecting on the Manual fiasco, the Colorado Children's Campaign has offered recommendations that it views as critical in a successful transition from a large high school to small schools. These recommendations highlighted purposeful leadership, a focus on the students, and attention to resources including time and funds. The ten specific recommendations are: (1) Strong principals who can articulate a vision for the school, advocate, and share leadership with the teachers and students; (2) Use of research-based school design; (3) Allow for at least one year of planning before school opening; (4) Provide ongoing professional development; (5) High expectation should be set for the students and appropriate tutoring, counseling, and assessments should be available; (6) Provide personalized advising for students; (7) Track student achievement with high quality data and accountability systems; (8) Sufficient resources, money, should be available based upon population and characteristics; (9) At least five years should be set for the reform process and support available; and (10) Parents, students, and the general community must be informed of the conversion plans. *Id.*

Despite glowing accolades,[120] research outcomes for small schools achievements demonstrate that small schools afford some clear benefits, some potential unintended consequences, and some inconclusive results. Collected data on small schools focuses on percentages, statistics, and performance outcomes; however, it is important to remember that a small school setting can yield benefits beyond those measured and reported.[121] As Howley reminds us, it is critical to "[r]ecognize that smaller schools in impoverished settings accomplish miracles even when their test scores are about average."[122]

Therefore, while small schools clearly show promise for urban high school systems, "it is . . . important to create *good* small schools."[123] Because several variables are at work,[124] it is difficult to isolate any single indicator of good small schools. Indeed, Kathleen Cotton's extensive literature review cautions that "[i]t is important to note that the effects of smallness and

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[120] One leading study concluded, "[w]e know with a rare degree of certainty that smaller schools and smaller districts are good for" student achievement. CRAIG B. HOWLEY & AIMEE HOWLEY, N. CENT. REG'L CTR. FOR RURAL DEV., SMALLER SCHOOLS SUPPORT STUDENT ACHIEVEMENT 1 (2004) (emphasis omitted), *available at* http://www.ncrcrd.iastate.edu/pubs/policybriefs/howley.pdf. Another claimed, "[r]esearch conducted over the past 15 years has convincingly demonstrated that small schools are superior to large ones on many measures and equal to them on the rest." COTTON (2001), *supra* note 23. A third went further, asserting that "[i]n schools with fewer than 600 youngsters, *we now know*, students generally learn better, drop out less, and attend more." What Kids Can Do, *supra* note 37 (emphasis added).

[121] For example, a small school would have the capability to use alternative methods of testing their students as reflected in a consortium of forty schools in New York City. *See* Olson, *supra* note 118. This consortium requires students to complete a research paper, a science experiment, a mathematical analysis, and a comparative essay on literature to pass each grade level. *See id.* The schools secured a temporary waiver from all but one of the Regents exams. *Id.* Data collected from twenty-eight small schools in the consortium shows that 77% of students are attending four year colleges; 19% are attending two year colleges; and 4% are attending vocational or technical programs. *Id.* Of the 77% in four year colleges, 84% returned for their sophomore year as compared with the national average of 73%. *Id.* These alternative testing methods not only benefit students who are poor test takers, but they also encourage students to develop healthy work-habit skills including the ability to persist in a project, revise, work independently or in a group, time-manage, and read, write, and research analytically. *Id.* The goal of these methods, which is best incorporated in a small school setting, is to prepare students with both content-based knowledge and with necessary skills that they will use to further their education and in the work place. This method continues to be evaluated, but positive outcomes are already apparent.

[122] Howley, *supra* note 26, at 50.

[123] Gates Foundation, FAQ (Aug. 30, 2005), http://www.gatesfoundation.org/nr/downloads/ed/EdExtranet/InformationResources/Media/FAQ.doc (emphasis added).

[124] For an exceptional review of the interrelationship between the various factors that influence the success of small schools, see W. DAVID STEVENS, CONSORTIUM ON CHICAGO SCH. RESEARCH, IF SMALL IS NOT ENOUGH . . . ?: THE CHARACTERISTICS OF SUCCESSFUL SMALL HIGH SCHOOLS IN CHICAGO (2008), *available at* http://ccsr.uchicago.edu/publications/SmallSchoolsApr2008.pdf.

achievement are indirect. Achievement may not only be a result of smallness, but connected to other variables such as environment and attachment."[125] After all, in the words of Deborah Meier, "'the grandmother of small schools,'" small schools are not a panacea, and while "'small' creates opportunity for success, it certainly doesn't by itself make success."[126]

Although many variables may contribute to varying degrees at each school, clearly there is something remarkable about the small schools movement in urban high schools. Trying to replicate the successes of small schools in larger school settings, for example, does not appear to work.[127] Several studies have explored the commonalities of successful small schools to identify critical characteristics.[128] Linking these research findings and the findings of other studies

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[125] Chicago Public Schools, *supra* note 23 (citing COTTON (1996), *supra* note 26).

[126] Teresa Méndez, *Is a Smaller School Always a Better School?*, CHRISTIAN SCI. MONITOR, Dec. 14, 2004 (citations omitted), *available at* http://www.csmonitor.com/2004/1214/p16s02-legn.html.

[127] "[L]arger schools that adopt administrative simulations of smallness are unlikely to exhibit the benefits of structurally smaller size." Howley, *supra* note 26, at 54 (footnote omitted).

[128] Kathleen Cotton identified the following key elements of success: 1) autonomy in decision-making authority in key spheres of activity; 2) separateness in terms of physical space and school identity; 3) distinctiveness; 4) self-selection of teachers and students; 5) flexible scheduling; 6) identity, including vision and mission; 7) thematic focus; 8) focus on student learning; 9) detailed planning; 10) personalization; 11) heterogeneity/nontracking; 12) looping; 13) parent and community involvement; 14) support for teaching, including leadership and decision-making; 15) professional development and collaboration; 16) integrated curriculum/teaching teams; 17) large repertoire of instructional strategies; 18) functional accountability, such as multiple forms of assessment; 19) accountability/credibility; 20) networking with other small learning communities; and 21) thoroughgoing implementation. COTTON (2001), *supra* note 23, at 21-42. Another study identified the following factors among successful small schools: 1) students were engaged and challenged by the curriculum and their instructors; 2) teachers were known to the students; 3) teachers had high expectations for all students; 4) teachers fostered critical thinking skills; 5) teachers were allowed to use a broad range of strategies to improve student learning; 6) students felt safe in small schools; 7) small schools strengthened accountability among students, teachers, and parents; 8) teachers felt more committed and effective in a smaller environment; 9) the school board provided consideration and support and allowed administration the autonomy to make decisions for their school. WASLEY, *supra* note 58. This study was prepared in 2000, and at the time, it was the largest compilation of small school data. *Id.* Another focused on "the way schools create Strategic Designs by taking advantage of size and rethinking the high school experience for urban students. These designs begin with clearly defined instructional models, and they organize people, time, and money in high-performing ways to invest in teaching quality, use student time strategically, and create individual attention." REGIS ANNE SHIELDS & KAREN HAWLEY MILES, EDUC. RES. STRATEGIES, STRATEGIC DESIGNS: LESSONS FROM LEADING EDGE SMALL URBAN HIGH SCHOOLS 7 (2008), *available at* http://www.educationresourcestrategies.org/documents/FINALREPORTSTRATEGICDESIGNSERS_5-19.pdf. Finally, a fourth recognized that "[w]hile all these factors are believed to be important for the success of both large and small schools, there is little understanding of how they work across these different contexts. . . . [And], it is not clear whether these factors can produce strong student outcomes in isolation or if they need to work in combination with one another." STEVENS, *supra* note 124, at 5. Drawing conclusions about these interrelationships is beyond the scope of this article; however, Stevens's analysis pointed to school leadership, "emphasis on pushing all students towards high academic achievement," *id.*, a strong professional community, deep principal leadership, strong

discussed in this article to Paul Tough's and Debra Viadero's observations, the authors of this article posit that the use of radically different and more intensive methods, increased class time, personalization, a focused curriculum, flexibility, accountability, parental and community involvement, quality teachers and administrators, and emphasis on soft skills such as communication, interpersonal, and leadership skills contribute to the success attributed to small schools.[129]

In sum, the research shows that at the very least, small schools have a demonstrable effect, particularly on certain outcomes for particular populations,[130] by providing an opportunity to implement strategies that focus on academics while developing complimentary skills. This reform movement, therefore, shows promise for overcoming the challenges of urban school systems and potentially reversing the adverse effects of poverty holding back so many from participating in the American dream. Nonetheless, small school reform must be coupled with careful planning and creative community-based partnerships.

Accordingly, the lessons gleaned from the school reform efforts reveal an opportunity for law students and the legal community to support reform efforts in urban areas.[131] Among them, community buy-in and political support from local leadership is critical to the success of new

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teacher influence, *id.* at 17, and "[p]roviding students with personalized academic and social supports . . . ." *Id.* at 18.

[129] One elephant in the room regarding small schools is the inherent choice and competition involved. Though not often discussed in the literature, these attributes are likely critical to small schools' success. In exchange for increased flexibility, small schools often trade increased accountability. Because they often receive outside funding from foundations, either directly or through the school system, they have an incentive to perform as compared to the status quo system.

[130] Most notable is that while "the research [found] that small schools produce equal or superior achievement for students in general, the effects of small schools on the achievement of ethnic minority students and students of low socioeconomic status are the most positive of all." COTTON (1996), *supra* note 26.

[131] Based on the studies discussed above, many such lessons are evident. First, academic disturbance can occur if the transition from larger schools to new schools is not carefully planned. Second, policymakers must consider the effects of small school reform on existing schools such as increased crowding and increases in the number of students requiring special education services. Third, the creation of new small schools must incorporate educational and instructional improvements; structural change is not enough, and all these changes require qualified leadership to guide the school to success.

small schools.[132] These critical lessons learned overlap with the talents law students can bring to urban schools and the opportunities such schools provide for law students. Fortunately, small schools have the ability and flexibility to collaborate with local schools and universities and thereby extend the opportunities available to their students.[133] In Baltimore, for example, the University of Maryland School of Law has created a partnership with the Baltimore Freedom Academy, an innovative small school.[134] This partnership's recent efforts illustrate the challenges urban schools face and the hope small schools bring, including opportunities for both inner city high school students and law students.

III. A MODEL FOR HOW THE LEGAL COMMUNITY CAN SUPPORT THE SMALL SCHOOLS MOVEMENT

A. THE NEED FOR AND HOPE WITHIN SMALL SCHOOL REFORM IN AMERICA'S INNER CITIES AS REFLECTED IN BALTIMORE CITY'S HIGH SCHOOLS

Like many urban communities, Baltimore City educates the poorest children in its state[135] with the poorest physical facilities and the least qualified teachers.[136] It is not surprising,

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[132] *See* Gewertz, *supra* note 104. The Denver Manual High school experience demonstrates this lesson. *Id.*

[133] Linda Darling-Hammond et al., *High School Size, Organization, and Content: What Matters for Student Success?*, *in* BROOKINGS PAPERS, *supra* note 81, at 163, 191 (stating that "[e]ach of the studies of successful restructuring efforts . . . points out the importance of professional partners who help to stabilize reform efforts and provide support for instructional improvement" and highlighting coalitions, universities, and research organizations as key supporters).

[134] BFA also partners with St. Francis Academy, which provides student support services and with College Bound Foundation, which provides college exploration and planning.

[135] The number of Baltimore City students who qualify for free or reduced meals ("FARMS") is 76.3% among elementary school students, 73.2% among middle school students, and 52.6% among high school students. MD. STATE DEP'T OF EDUC., 2008 MARYLAND REPORT CARD: BALTIMORE CITY DEMOGRAPHICS [hereinafter MSRC: BALTIMORE CITY DEMOGRAPHICS], *available at* http://www.mdreportcard.org/Demographics.aspx?K=30AAAA&WDATA=Local+School+System. In Howard County, a wealthy county, only 13.3% of elementary students receive FARMS, 12.2% of middle school students receive FARMS, and 10.2% of high school students receive FARMS. MD. STATE DEP'T OF EDUC., 2008 MARYLAND REPORT CARD: HOWARD COUNTY DEMOGRAPHICS [hereinafter MSRC: HOWARD CO. DEMOGRAPHICS], *available at* http://www.mdreportcard.org/Demographics.aspx?K=13AAAA&WDATA=Local+School+System. In the entire state of Maryland, 38.9% of elementary school students qualify for FARMS, 34.1% of middle school students qualify, and 25.3% of high school students qualify. MD. STATE DEP'T OF EDUC., 2008 MARYLAND REPORT CARD: MARYLAND STATE DEMOGRAPHICS [hereinafter MSRC: MD. STATE DEMOGRAPHICS], *available at* http://www.mdreportcard.org/Demographics.aspx?WDATA=State&K=99AAAA.

[136] In Baltimore City, only 35.2% of teachers are deemed "advanced professionals," and 22.6% of teachers are considered "standard professionals." More startling is that 48.9% of classes are not taught by highly qualified

therefore, that the Baltimore City system produces the poorest educational outcomes in

Maryland. Viewed from a variety of measures, Baltimore City children are not achieving their

full potential.

According to the 2008 Maryland State Report Card, there is a mere 60% graduation rate

across Baltimore City[137] while there is an 85% graduation rate statewide.[138] Moreover, the

graduation rate drops to 35% for students with special education needs while nearly 76% of

special education students graduate statewide.[139] Additionally, the student drop out rate is

approaching 10% in Baltimore City,[140] and the student drop out rate for students with special

education needs increases to nearly 14%.[141] Statewide, the dropout rate is only 3.5% and

increases to only 5% for students with special education needs.[142]

Attendance rates are another indicator of success, and Baltimore City students'

attendance rates are notably below others in the state. In Baltimore City, the attendance rate for

elementary students is 94.3%, falls to 90.2% attendance in middle school, and decreases again to

83.6% attendance in high school.[143] By contrast, in Howard County, a wealthier county,[144]

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teachers. MSRC: BALTIMORE CITY DEMOGRAPHICS, *supra* note 135. Compare to Howard County, Maryland's wealthiest county, where 51.5% of teachers are "advanced professionals" and 37.2% of teachers are "standard professionals." In Howard County only 10.4% of classes are not taught by highly qualified teachers. MSRC: HOWARD CO. DEMOGRAPHICS, *supra* note 135; *see also* MD. STATE DEP'T OF EDUC., ACHIEVING "HIGHLY QUALIFIED" STATUS UNDER NO CHILD LEFT BEHIND: A GUIDE FOR MARYLAND TEACHERS (2008), *available at* http://marylandpublicschools.org/NR/rdonlyres/FCB60C1D-6CC2-4270-BDAA-153D67247324/15230/HOUSSE_REVISED_January2008.pdf (definition of "highly qualified").

[137] MSRC: BALTIMORE CITY DEMOGRAPHICS, *supra* note 135.

[138] MSRC: MD. STATE DEMOGRAPHICS, *supra* note 135; *see* MD. STATE DEP'T OF EDUC., 2008 MARYLAND REPORT CARD: DEFINITIONS, *available at* http://www.mdreportcard.org/supporting/definitions.aspx?WDATA=def&inc=graduation (graduation rate defined).

[139] MSRC: BALTIMORE CITY DEMOGRAPHICS, *supra* note 135; MSRC: MD. STATE DEMOGRAPHICS, *supra* note 135.

[140] MSRC: BALTIMORE CITY DEMOGRAPHICS, *supra* note 135.

[141] *Id.* This dropout rate is significant because Baltimore City has many students with special education needs—14.2% of elementary students, 18.1% of middle school students, and 16.9% of high school students. *Id.*

[142] MSRC: MD. STATE DEMOGRAPHICS, *supra* note 135.

[143] MSRC: BALTIMORE CITY DEMOGRAPHICS, *supra* note 135.

[144] *See* William Wan, *Leading the Charge in Howard: County Executive Rose Fast in Politics and He Is Still in a Hurry*, WASH. POST, Sept. 11, 2007, at B1. Howard County is the wealthiest county in the state of Maryland. *Id.*

attendance rates in elementary school are 96.3%, remain at 96% through middle school, and are 95% for high school students.[145]

Baltimore City students also lag behind their peers around the state on almost every measure of academic success, for example, student results on the High School Assessment (HSA).[146] Only 48% of Baltimore City students pass the English 2 reading assessment test, and only 28.6% of city students pass the algebra assessment test.[147] Similarly, only 40% achieve proficiency in biology, and 52% meet the basic proficiency level on the government exam.[148] Baltimore City exam results compare miserably to the passing rates in Howard County where 85.7% of high school students pass the English 2 assessment, 87% pass the algebra assessment, 87% pass the biology exam, and 89% pass the government exam.[149] Baltimore City exam results fall well behind statewide results as well where 70% of all Maryland students pass the English 2 exam, 63% pass the algebra exam, 70% pass the biology exam, and 73% pass the government exam.[150] The discrepancy is blatant. More concerning is that passing high school assessment tests is now required to earn a high school diploma, and with the current passing rates, the majority of Baltimore City students will be unable to receive a high school diploma.[151]

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[145] MSRC: HOWARD CO. DEMOGRAPHICS, *supra* note 135.

[146] "The High School Assessments are end-of-course tests that students take as they complete the appropriate high school level course. All students including middle school students taking high school level courses, must take the High School Assessment after they complete the appropriate course. These courses currently include English 2, government, algebra/data analysis, and biology." MD. STATE DEP'T OF EDUC., 2008 MARYLAND REPORT CARD: DEFINITIONS, *available at* http://msp.msde.state.md.us/supporting/definitions.aspx?WDATA=def&inc=hsa.

[147] MD. STATE DEP'T OF EDUC., 2007 MARYLAND REPORT CARD: BALTIMORE CITY ASSESSMENTS [hereinafter MSRC: BALTIMORE CITY ASSESSMENTS], *available at* http://msp2007.msde.state.md.us/Assessments.aspx?K=30AAAA&WDATA=Local+School+System&Postback=True#HSAall.

[148] *Id.*

[149] MD. STATE DEP'T OF EDUC., 2007 MARYLAND REPORT CARD: HOWARD COUNTY ASSESSMENTS, *available at* http://msp2007.msde.state.md.us/Assessments.aspx?K=13AAAA&WDATA=Local+School+System&Postback=True#HSA.

[150] MD. STATE DEP'T OF EDUC., 2007 MARYLAND REPORT CARD: MARYLAND STATE ASSESSMENTS, *available at* http://www.mdreportcard.org/Assessments.aspx?K=99AAAA&WDATA=state.

[151] Maryland State Department of Education, School Improvement in Maryland, http://mdk12.org/assessments/high_school/ (last visited Oct. 6, 2008). Beginning with the graduating class of 2009, students will be required to pass the HSA to earn a high school diploma. *Id.*

The situation in Baltimore City is so grave, Baltimore City school Chief Executive Officer Andres Alonso opened a presentation to philanthropists by asking, "'[w]hat is the future of Baltimore if . . . [o]nly 5 out of 10 students entering our high schools leave with a high school diploma? Fewer than 3 of those students enroll in college? Fewer than 2 of those students graduate from college within 5 years?'"[152] Baltimore City recognized its underachievement years ago when the numbers were even worse than the statistics delineated above. In response to these failures, and in partnership with the Bill and Melinda Gates Foundation and backed by generous donations and support from several local foundations, former CEO of the Baltimore City school system Carmen Russo adopted a *Blueprint for Baltimore's Neighborhood High Schools*.[153] This blueprint outlined strategies to improve the school system, one of which was to break down poorly performing high schools[154] into smaller learning communities and to create new small innovative high schools.[155]

The Baltimore City Public School System (BCPSS) implemented the blueprint for reforming the city's high schools in 2001 by creating several innovation high schools and converting "all nine large, comprehensive high schools into smaller neighborhood schools."[156] BCPSS expected these schools "to reflect three guiding principles: (1) strong academic rigor, (2)

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[152] Sara Neufeld, *Alonso Seeks Private Donors; $25 Million Price Tag on Altering the DNA of Schools*, BALTIMORE SUN, Dec. 16, 2007, at 1A.

[153] Carmen V. Russo, The Blueprint for Baltimore's Neighborhood High Schools (Oct. 2001), *available at* http://www.ffee.org/public/pdfs/blue_print_102901.pdf.

[154] *Id.* Baltimore, like many other cities, has a number of high schools that admit students based upon admission criteria; these schools have better educational outcomes than the other city high schools. Although this was an effective means of ensuring the middle class people remained in the city, it had the unintended consequence that all the remaining neighborhood zoned schools were composed of the poorer and weaker students.

[155] *Id.* "Innovation schools are new, independent, small schools developed by or with outsider operators or technical assistance providers. Unlike neighborhood schools, innovation schools are given autonomy in hiring staff and selecting and implementing curriculum." URBAN INST. EDUC. POLICY CTR., BALTIMORE CITY'S HIGH SCHOOL REFORM INITIATIVE: SCHOOLS, STUDENTS, AND OUTCOMES 7 (2007), *available at* http://www.urban.org/UploadedPDF/411590_baltimoreschools.pdf.

[156] URBAN INST. EDUC. POLICY CTR., *supra* note 155; *see also id.* at 9-10 (year-by-year discussion of the blueprint's implementation).

small supportive structures, and (3) effective, accountable instruction and leadership."[157] With this program, Baltimore City became part of the growing high school small schools movement.

"The students attending innovation high schools in Baltimore are . . . . by and large, high-poverty, African-American students who score much lower on middle school reading and mathematics tests than students attending the city's selective high schools."[158] The Urban Institute Education Policy Center recently released results from its survey conducted since May 2003 of all students and teachers in the reforming high schools and an analysis of data provided by the Maryland State Department of Education.[159] Additionally, the Center "conducted a qualitative study of the reform effort through site visits to 20 innovation, neighborhood, and comprehensive high schools during the 2004–05 academic year."[160]

The report found that HSA Algebra and English test scores and attendance rates were higher in innovation high schools than in neighborhood, comprehensive and "other" schools, even after controlling for the characteristics of students who attended these schools.[161] Similarly, innovation high schools had more positive academic environments.[162] Relatively speaking, the smaller reform high schools, particularly innovation high schools, were serving their students reasonably well, leading the Urban Institute to acknowledge that BCPSS had found a way to improve educational opportunities and outcomes for at least some fraction of its student population.[163] Baltimore's small schools initiative deserves credit for this success, at least in part. A closer look at one of the City's innovative small schools provides insight concerning how

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[157] *Id.* at 7.
[158] *Id.* at 23.
[159] *Id.* at 7.
[160] *Id.*
[161] *Id.* at 20; *see id.* (definitions of each category).
[162] *Id.* at 6.
[163] *Id.* at 23.

inner city high schools can continue this success through unique partnerships within the community, including with law schools.[164]

B. Turning on the Charm: How Charm City's Baltimore Freedom Academy and the University of Maryland School of Law Partnership Is Capitalizing on Small School Reform Efforts

Founded in 2003, Baltimore Freedom Academy (BFA) was one of Baltimore's first innovative high schools under Baltimore City's 2002 high school reform initiative.[165] The University of Maryland School of Law, through its Community Law in Action Program, was one of the Academy's founding partners.[166] BFA does not have admission criteria, permitting students to choose to enroll. Its student body is 97% African American.[167] Created as part of the "Innovation High School Initiative," it has autonomy regarding curriculum selection, staffing, and forming partnerships.[168]

BFA is open to students living anywhere in the city and BFA draws from thirty-seven different lower schools. Its students experience the same urban challenges that are present for most Baltimore City students.[169] BFA students, however, have outperformed their citywide counterparts on most indicators of school success.

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[164] Because many small schools are themed, other students and professionals can similarly reap the benefits of the approach discussed in this article. For example, nursing, medical, and pharmacy schools could replicate the partnership described *infra* Part III with a small school with healthcare themed curriculum. Some corporations encourage their employees to similarly support schools. *See, e.g.*, ExxonMobil, Science Ambassadors, http://www.exxonmobil.com/Corporate/community_ed_math_ambassador.aspx (last visited Oct. 6, 2008).

[165] Baltimore Freedom Academy Foundation, Research Report (2007) (unpublished report, on file with author).

[166] The Community Law in Action program was also "involved in reform effects in Patterson High School and Northwestern High School where law students worked with high students concerning problem-based learning approaches to school, neighborhood, and city-wide social issues." Mary Garner, Finding Clinical Law Experiences in the Most Unexpected Places (May 5, 2005) (student paper, on file with author).

[167] Baltimore Freedom Academy Foundation, *supra* note 165.

[168] *Id.*

[169] *See id.* As an indicator of poverty, 73% of BFA students receive free and reduced meals, similar with the citywide 76% of students eligible for FARM. *See supra* note 135 and accompanying text. Additionally, 16% of the students receive special education service, very similar to the nearly 17% of Baltimore city high school students receiving special education services. Baltimore Freedom Academy Foundation, *supra* note 165; *see also supra* note 141 and accompanying text.

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The students have an average attendance rate of 90% while the citywide rate of high school attendance is 83%.[170] The graduation rate at BFA in 2007 was 96% while the citywide rate was 60%.[171] Additionally, BFA mostly outperformed citywide high school assessments averages. BFA students, for example, ranked third among all high school students in Baltimore City on the Algebra High School Assessment in 2007 with a 71.1% pass rate while the citywide pass rate was 28.6%.[172] Another aspect of BFA's great success is the high percentage of students who attend college; over 90% of the graduating class of 2007 was admitted to four year colleges.[173]

In the spring of 2007, BFA was recognized as one of the top five performing schools in Baltimore City, and it was the only school without entrance criteria to receive this distinction.[174] BFA believes that a holistic approach to education gets results. Therefore, the school incorporates small class sizes, a college preparatory curriculum, early college courses, an innovative curriculum, parental involvement, community advocacy, learning by service, and a host of extra-curricular activities.[175]

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[170] MD. STATE DEP'T OF EDUC., 2008 MARYLAND REPORT CARD: BALTIMORE FREEDOM ACADEMY DEMOGRAPHICS [hereinafter MSRC: BFA DEMOGRAPHICS], *available at* http://mdreportcard.org/Demographics.aspx?K=300423&WDATA=School; MSRC: BALTIMORE CITY DEMOGRAPHICS, *supra* note 135.

[171] MSRC: BFA DEMOGRAPHICS, *supra* note 170; MSRC: BALTIMORE CITY DEMOGRAPHICS, *supra* note 135.

[172] Baltimore Freedom Academy, Announcements, http://baltimorefreedomacademy.org/announcements/ (last visited Oct. 6, 2008) [hereinafter Announcements]; *see also supra* note 147 and accompanying text. BFA students also exceeded the citywide pass rate on the Government High School Assessment with a 74% pass rate while the citywide pass rate was 52%. MD. STATE DEP'T OF EDUC., 2007 MARYLAND REPORT CARD: BALTIMORE FREEDOM ACADEMY ASSESSMENTS [hereinafter MSRC: BFA ASSESSMENTS], *available at* http://msp2007.msde.state.md.us/Assessments.aspx?K=300423&WDATA=School&Postback=True#HSA; MSRC: BALTIMORE CITY ASSESSMENTS, *supra* note 147. However, BFA did not score as well on the English 2 exam as it achieved a 40% pass rate while the citywide rate was 48%. MSRC: BFA ASSESSMENTS, *supra*; MSRC: BALTIMORE CITY ASSESSMENTS, *supra* note 147. Less the English 2 HSA outcomes, this data demonstrates the success of Baltimore Freedom Academy, an innovative small school, over the existing city high schools.

[173] Announcements, *supra* note 172.

[174] *Id.*

[175] Baltimore Freedom Academy, Students, http://baltimorefreedomacademy.org/students/index.html (last visited Oct. 6, 2008). The curriculum focuses on law and social justice. The extracurricular activities include a dance team, yearbook, peer mediation, student government association, chess team, school newspaper, intramural sports, a debate team, a mock trial team, and mentoring. *See id.*

Baltimore Freedom Academy encourages the positive transformation of urban youth and their communities by providing opportunities for emerging young leadership, academic excellence, and personal development. To achieve this mission, the school is themed around law-related education, advocacy, leadership, and community activism. Leadership is sometimes defined as "[m]otivating people to work together to accomplish great things."[176] Today, the most influential leaders are those who can cross boundaries to create partnerships and those who work well with others to solve problems and innovate.[177] At BFA, students are encouraged to work together, collaborate, and value teamwork; these are fundamentals for a future leader.[178]

Effective leadership also often requires an understanding of people from different backgrounds.[179] Therefore, incorporating lessons of cultural tolerance, conflict resolution, communication, and self-awareness into the BFA curriculum helps guide students toward an empowered future.[180] Attributes of strong leaders also include making sound decisions, being proactive, welcoming criticism and open debate, completing projects,[181] possessing a sense of civic responsibility, and fostering pride and purposeful effort towards a goal.[182] Most of these traits can be developed in students, and BFA focuses on leadership development by building these skills and imparting these values.

In an effort to build future leaders, the school's basic goal is to support the notion that each student adds value to their community and can function as agents of change.[183] BFA seeks to "provide an environment which cultivates young adults who will emerge dedicated to serving

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[176] *America's Best Leaders*, U.S. NEWS & WORLD REP., Nov.19, 2007, at 42.

[177] *See* David Gergen, *The Spirit of Teamwork*, U.S. NEWS & WORLD REP., Nov.19, 2007, at 44.

[178] *See id.*

[179] *See Learning to Lead*, U.S. NEWS & WORLD REP., Nov.19, 2007, at 48.

[180] *Id.*

[181] *See, e.g.*, Kent Garber, *Helping Out on the Home Front*, U.S. NEWS & WORLD REP., Nov.19, 2007, at 56 (examining the philanthropy and leadership of Kenneth Fisher, who has established "more than three dozen homes-away-from-home for relatives of soldiers and veterans receiving treatment at military hospitals").

[182] *See* Bobbie Birleffi, *From Disease, Determination*, U.S. NEWS & WORLD REP., Nov.19, 2007, at 73.

[183] *See* Baltimore Freedom Academy, http://www.baltimorefreedomacademy.org (last visited Oct. 6, 2008).

their families and their communities and prepared to be informed problem-solvers and effective advocates for positive social change."[184] Students from the University of Maryland School of Law contribute to efforts by taking an active role in partnering with Baltimore Freedom Academy.

C. THE UNIVERSITY OF MARYLAND SCHOOL OF LAW JUVENILE LAW, CHILDREN'S ISSUES AND LEGISLATIVE ADVOCACY CLINIC

The Juvenile Law, Children's Issues and Legislative Advocacy Clinic at the University of Maryland School of Law ("the Clinic") has worked with children in crisis for twenty-five years. The Clinic has helped students obtain better educational programs, represented children in abuse and neglect proceedings, and assisted youth involved in the juvenile justice system. Clinic students have noted that the Clinic has provided excellent rewarding work experiences by helping Baltimore's youth who were already entrenched in a system of abuse, violence, and criminal activity. The Clinic recognized that it could have an even more valuable role by helping improve education, building a sense of professionalism and responsibility in the City's youth, and preparing them for college and a brighter future.

With these goals in mind, the Clinic began to work in partnership with Baltimore Freedom Academy. The Clinic wanted to make a difference in children's lives before those lives were broken. By being on BFA's Operating Board of Directors and having law students actively involved in day-to-day school programs and extra-curricular activities, they have begun to build relationships and make a difference. The partnership is especially appropriate because the goals of the Clinic law students and of the BFA high school students intersect. The ultimate aim of both programs is to cultivate advocates for positive social change; accomplished largely by building both sets of students' confidence, as well as cognitive, leadership, and social skills.

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[184] Baltimore City Public Schools, Charter and Secondary Transformation Schools, http://www.bcps.k12.md.us/School_Info/Charter_Schools.asp#freedom (last visited Oct. 6, 2008).

This partnership extends from serving on the operating board, to having law students

teach law classes at the school and assist in school programming. Like any true partnership, both

parties benefit. The small high school receives the benefit of being able to provide additional

course offerings in areas focused on advocacy and leadership development. Law students serve

as role models and support extracurricular activities. At the same time, the law school remains

actively involved in the community, and participating law students learn about the intersection of

law and education, leadership development, and issues of race and class, while developing

critical personal and professional skills. Together, the students of both schools are learning by

doing; both are building meaningful relationships, developing critical thinking skills, mastering

persuasive communication, and building the confidence required to be advocates and leaders.

Law students in the Clinic appreciate the unique chance to have a positive impact on

young people's lives by helping them realize their full potential.[185] Students become cognizant of

the needs of urban communities.[186] The partnership also provides substantial professional

development opportunities as well.

Law students learn to break down complicated legal matters and to explain and apply

them effectively to various factual situations.[187] Students gain substantive insights by analyzing

legal issues and seeing how they actually operate on the streets of troubled urban areas.[188]

Furthermore, as one law student aptly reflected, "children have a lot to teach, just like they have

a lot to learn."[189]

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[185] Garner, *supra* note 166.
[186] *Id.*
[187] *Id.*
[188] Julie A. Knauer, Baltimore Freedom Academy and the Small Schools Movement 19 (student paper, on file with author).
[189] Memorandum from Katrina Bravo, Clinic Student, University of Maryland School of Law, to author (Nov. 2006) (on file with author).

The law students gain a greater understanding of the complex confluence of social, economic, and political factors that influence individuals' lives. This develops abilities that will help the law students serve diverse clients in their careers. While this structure departs from the traditional notion of a law school clinic, the benefits to the law students are much the same.[190] The Clinic fulfills the goal of teaching important lessons about the role of law, lawyers, and social justice to the law students. As future lawyers, students gain a deeper understanding of the relationship between the social, economic, and political forces that affect their clients' lives.[191] Perhaps most importantly, it gives students a chance to do something unlike their past and perhaps future experiences, and brings together two communities of students differing greatly socially, financially, and culturally in a relationship that reflects the different worlds existing down the road from one another.[192]

The partnership is not one-sided. The BFA high school students also experience immeasurable benefit from their relationship with the University of Maryland law students as they learn that there is a "world outside of where they come from, a world in which they can take part."[193] Moreover, both students have an opportunity to make a mutual personal impact on one another. The high school students cherish the time, support, and advice that they receive from clinic students,[194] and clinic students' journals reflect the same gratitude.

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[190] *See* Stephen Wizner, *The Law School Clinic: Legal Education in the Interests of Justice*, 70 FORDHAM L. REV. 1929, 1930 (2002). Clinical education programs were an outgrowth of the rights revolution seen as an opportunity to enrich legal education through attending to the needs of the poor and pursuing social justice. The goal was to "get students out of the classroom into the real world of law, from which they would return to the classroom with a deeper understanding of how legal doctrine and legal theory actually work – or [do not] work." *Id.* at 1934.

[191] *See* Knauer, *supra* note 188, at 19.

[192] *Id.*

[193] Memorandum from Jennifer Libby, Clinic Student, University of Maryland School of Law, to author (Nov. 2006) (on file with author).

[194] The simple words of one student, "I look forward to seeing [her] because she cares about us," demonstrate this notion. Interview by Alicia Lynn Wilson with Monique Howard, BFA student, in Baltimore, Md. (Mar. 17, 2006).

The Clinic's work at BFA encompasses many aspects of education including teaching formal classes, leading student groups, coordinating extracurricular programs, and assisting with college preparation. Today, one of the main components of the Clinic is teaching and mentoring BFA students. In the fall semester, law students teach an elementary criminal law course to tenth grade students. The law students teach a ninety-minute weekly class regarding the elements of various crimes, the rights of the parties, and trial procedures. There is a significant focus on building critical and analytical thinking skills. Similar to approaches in law school, BFA students demonstrate their knowledge through fact patterns and arguing whether the facts support a given charge. The course culminates with a mock trial conducted by the students.

The next semester, the law students teach a course on advocacy and formulating legal arguments to the same group of students. This program is designed to help the students become better writers, more articulate speakers, and more confident and empowered young adults. Over the years, law students have observed adolescents who avoid eye contact, sharply criticize their peers using ad hominem arguments, and lack basic communication skills. The absence of social skills is a barrier to positive interactions and prevents disadvantaged youth from communicating effectively with adults and advocating for themselves.[195] If students do not learn these skills at home or from their community, the school must help strengthen the students' ability to advocate for themselves, and law students are well equipped to help build advocacy skills. While doing so, the law students enhance their own professional skills.

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[195] For example, a tenth grader earned an "A" in her criminal law class, but because of a computer glitch, the report card grade was an "F." The student did not even realize that she could approach the teacher and respectfully ask about her grade. Therefore, her grade remained incorrect until the teacher happened to have noticed the error later in the year. A more serious example is that of a young man in trouble with the law for violating probation. When he stood before the judge, he looked down at the floor, barely uttered an understandable clause, and failed to demonstrate the professionalism appropriate in a courtroom. As a result, the youth never communicated to the court that he did not violate his probation, but rather, the probation officer never showed up to their scheduled meeting. This occurrence demonstrates the importance of basic advocacy skills both at the mundane level of attending school and at the more critical level of involvement in the juvenile justice system.

Mock trial team affords law students another chance to develop their own and BFA students' skills. In this program, law students guide the participants through stages of a trial while developing their public speaking and critical thinking skills. Students learn about crimes, evidence gathering and presentation, examining and cross-examining witnesses, and offering opening and closing statements. Through this process, the BFA students gain valuable experience in working with their peers, speaking in public, and taking a project from start to finish with an end result of which they can be proud.

College preparation, in partnership with College Bound, is yet another crucial program with which the University of Maryland law students assist. The goal of BFA is to prepare its students for college. However, the college application process is often overwhelming and can seem beyond reach for students unaware of how to complete an application, write a genuine and insightful essay, gather recommendation letters, and meet deadlines. Therefore, college application guidance is extraordinarily important. Having completed the process many times themselves, law students have the skills and knowledge to help guide the BFA students through this process.

Additionally, the partnership employs the talents of law school students to support Baltimore City's experiment with small schools reform by providing opportunities for effective leadership, character, and social skills development. The partnership's mix of cultural and curricular efforts keeps academics at the forefront while adding critical life-enhancing aspects of schooling that makes high school education relevant and engaging for BFA students.[196] This increased attention to teaching students emotional and other extra-academic skills may well be a critical component to improved academic achievement as noted by Debra Viadero and others, and one of the primary underlying causes of success in small schools.

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[196] *See* GONSALVES & LEONARD, *supra* note 3, at 193-94.

Consequently, this unique partnership provides benefits for both students. Through a unique community-based reform[197] extending beyond the usual focus on improving academics, University of Maryland School of Law students are developing critical professional skills while supporting Baltimore City's small schools reform efforts. In the process, they are helping urban high school students transcend the adverse effects of poverty. These promising results should encourage others to model this approach in support of other inner city education reform efforts.[198]

CONCLUSION

Students in the most troubled urban high schools require educational opportunities that extend beyond traditional intellectual rigor to mitigate the adverse effects of poverty. Although paraded around education reform circles by some advocates as today's elixir for the education crisis in America, at the end of the day, the small schools reform movement, like most reform strategies, is not a cure-all. As one report concluded, "small is essential but not sufficient."[199]

Nevertheless, small schools provide a fertile environment conducive to improving the critical life skills that urban high school students require to succeed in life, and as recent research has shown, achieving academically. The University of Maryland School of Law's recent efforts through its Juvenile Law Clinic provide a unique opportunity for law students to support educational reform efforts by teaching urban high school students these critical skills. The Clinic demonstrates that law students can support educational reforms while benefiting personally and professionally. In this way, students schooling students can help ensure this latest reform effort is not another passing fad.

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[197] *Id.* at 193.
[198] *See supra* note 164 and accompanying text.
[199] BOSTON PLAN FOR EXCELLENCE, *supra* note 27, at 17.