

South Carolina School Board Association School  
Law Conference 2014

**Think Your Way to Success**  
Professor Sarah E. Redfield

**CONCEPTUAL OUTLINE**

**Overarching Context**

As a retrospective 60-year view of *Brown v. Board of Education*, 347 U.S. (1954) shows, some education issues have been with us for decades. In education as in any context, bias is a value-laden word. Our legal system embraces antidiscrimination laws and rules of ethics that address demonstrated bias. We are loathe to think that we or our institutions are biased, and we are well-aware of the risks of speaking or acting in a biased way. When asked about our biases, we likely self-report that we are not biased and are not making biased decisions; and we honestly believe this to be the case.

Still, the long-recognized differences in treatment and in achievement of certain groups in school call into question these beliefs in an unbiased approach. We must ask how it is that the data shows such differences if decisions along the way are made by people acting in good faith, *without bias*.

Emerging mind science offers a new approach to understanding this dissonance by defining and measuring the difference between our explicit self-reported bias and our unconscious implicit bias. This research suggests that decisions along the way are being made by people acting in good faith, but often *with* bias—implicit bias. Emerging research also suggests that debiasing is possible. The first steps for debiasing are becoming aware of our unconscious response and becoming more mindful at critical decision points--that is rethinking thinking in order to achieve more successful outcomes.

**I. Manifestations of difference and disproportionality show cause of concern.  
The disproportionality that mars the education picture is unrelenting.**

Far too many young people, particularly many of our diverse underrepresented minority students (African American, Hispanic, American Indian-Alaskan Native, Native Hawaiian-Pacific Islander) are going without a high school education and finding themselves on a pathway away from school and into prison, the so-called school to prison pipeline. The disproportionality data all along that pipeline illustrates the problem. There are longstanding differences in academic expectations, proficiency, and achievement generally and in special education (Redfield 2009, NAEP, Digest 2013). There is stark and also longstanding disproportionality in school discipline, in minority contact at nearly every decision point in the juvenile justice system, and ultimately in prisons (CRDC, Skiba 2008, Skiba 2011, OJJDP, NCJJ, Texas Appleseed). [See Appendix 1 for details.]

To change these disproportionalities—the over or under representation of a particular group in comparison to their presence in the population—and the negative impacts they represent

requires understanding of how our decision-making biases contribute to these numbers. Understanding implicit bias inherent in unconscious associations, messages, and actions provides an important conceptual basis to understanding and ameliorating the decisions that pave the school to prison pipeline (Gladwell, Banaji & Greenwald, Kahneman, ABA). This understanding can improve our ability to be fair and to succeed in bringing about meaningful change.

\*For U.S. population figures see Figures 1-3.

The achievement gap between Black, Hispanic, and American Indian Alaskan Native (AIAN) students and their White and Asian peers endures. These differences remain evident notwithstanding decades of varied strategies and interventions. So too, the achievement gap between students with disabilities and students without disabilities is longstanding and deep (Eckes, Coleman, Council, Klinger, Harry, NRC, Redfield 2009,

- A. Figure 3. Reading Below Basic by Race & Ethnicity 4).
- B. Increasingly, concern is expressed about disproportionality in discipline, including suspension and expulsion, and in school-related referral to law enforcement and arrest. Excessive discipline is particularly visited on students in special education, in certain racial and ethnic groups, and among those who identify as lesbian, gay, bisexual or transgender (Figures 7 & 8, CDF, CRDC, Dear Colleague, Carter, Gregory).
- C. Zero tolerance policies have had disproportionate impact, and these policies are generally not found to have made our schools safer or more orderly (APA, Kang-Brown).
- D. Discipline that involves children being removed from instruction carries further negative impact in loss of academic progress and other defeating results (Arcia, Dear Colleague, Losen & Skiba, Fabelo).
- E. Once entered, the school-to-prison pipeline offers few positive exit points (Carter, Piquero). The disproportionality evident in school discipline is also evident in the juvenile justice system (Figures 9-16).
- F. Indeed, concern has been extant, also for decades, about the continued “disproportionate minority contact” in juvenile justice and delinquency matters (National Coalition). As the Juvenile Justice Information Exchange summarizes, “[a]lthough white youth and youth of color commit crimes at similar rates, youth of color are overrepresented at virtually every point of contact with the juvenile justice system” from arrest through juvenile detention and transfer to the adult system (Casey, Juvenile Justice, DMC).
- G. It is likely that low achievement and high disciplinary rates are interrelated, with the frustrations of low achievement playing out as increased potential for aggression (Gregory, Miles). So, too, academic achievement and delinquency and involvement with the criminal justice system are related (Blomberg, Hodges, Glennie, Wang).

## **II. Difference in expectation and the related exercise of discretion are common to areas of education and juvenile justice disproportionality.**

- A. The so-called Pygmalion or expectancy effect has long been known in education (Rosenthal, Sheets). No one rises to low expectations (Chronicle).
- B. Labeling is virtually omnipresent—American, *Limited English Proficiency*, *Emotionally Disturbed*, *Advanced ... s/he’s a “good kid”*; s/he’s from a good family; s/he’s dangerous, s/he’s threatening and insubordinate. And this kind of labeling invokes (unconscious) mental schemas that influence responses and decisions (Redfield 2013, Redfield 2014).
- C. Difference in expectations and engagement (Redfield 2009, Croft, Biernat, Atwater), together with the related depletion they cause (Richeson), underlie the disparities in education and juvenile justice. These differences often arise where students and teachers or personnel are from different groups (Goodman & Redfield, McKown, So, Sleeter, Dee, Figures 2 & 3).
- D. Different expectations are of particular concern to stigmatized groups (van den Bergh). Most susceptible are students in two or more groups (Purdie-Vaughns), for example, students of color who are also students with disabilities (Hettleman).

- E. School discipline records and students' self-reports show that the concerning differences and disproportion are *not* simply attributable to the stigmatized group behaving "badly" relative to their peers or to socioeconomic factors (Casey, Gregory, McCarthy, Skiba 2002, Wallace, Wehlage).
- F. The exercise of discretion is very likely impacted by the implicit biases of the decision maker (Redfield 2013, Redfield 2014, Wald, Weinstein).
- G. Students understand societal perceptions and turn them inward in what is described as stereotype threat (or stereotype consciousness), a threat which can negatively impact student performance (Steele, Schneider, Pizzaro, McKown). Students also perceive unfairness with similar results (Gregory 2010, Education Alliance).

### **III. The costs of the status quo are great.**

- A. The costs of maintaining the status quo are extraordinarily high for individual students, their families, their communities, and the economy as a whole. These costs are obvious in the workplace and in the economy.
- B. Research shows that dropouts are "more likely than their peers who graduate to be unemployed, living in poverty, receiving public assistance, in prison, on death row, unhealthy, divorced, and ultimately single parents with children who drop out from high school themselves" (Bridgeland).
- C. The U.S. spends an average of \$12,136 per year per student (Condition), but states' average per inmate cost is over twice that, \$28,323 (Vera). Juvenile detention costs are even higher at an estimated \$87,981 per year (Justice Policy); in New York State, the cost is estimated to be \$266,000 (JJAG). For New York City, the cost of an inmate is higher than Harvard tuition (NYC Prison). In addition to the direct costs, incarcerating young people may also create conditions, which are not rehabilitative and which are themselves dangerous and lead to litigation that itself is extremely costly (Justice Policy).
- D. Spending more money on incarceration, does not necessarily lead to more or safer results (Justice Policy, AG). Community based programs that keep young people out of the school to prison pipeline and the detention system are both safer and more cost-effective (WSPI, Figure 17).
- E. Some economists have estimated that increasing the high school graduation rate would decrease the crime rate by 10-20% (Belfield, AG).

### **IV. Implicit Bias contributes to well-documented different treatment and disproportionality in the legal system and other societal institutions.**

- A. Explicit attitudes and biases are those evaluations that are deliberately generated and consciously experienced as one's own. Implicit attitudes reflect learned associations that can exist outside of conscious awareness or control (Redfield 2014).
- B. Implicit bias is typically defined as an unconscious preference based in stereotypes or attitudes that operate outside of our conscious awareness.
- C. Part of all human behavior, implicit bias is a "lens through which a person views the world, a lens which automatically filters how a person takes in and acts in regard to information" (Marsh).

- D. We are unlikely to recognize or self-report implicit biases, and even less likely to self-report where we are anxious or where issues are socially loaded such as sexual orientation or race (Pearson, Graham, Amodio 2003).
- E. New research methods, which don't rely on self-reporting, have inspired an explosion of research on implicit bias. The leading measure is the Implicit Association Test (IAT), Project Implicit available at <https://implicit.harvard.edu/implicit/>.
- F. Under tight time parameters, the IAT measures associative knowledge, that is, those associations and links that cause one concept to be connected or activated by another. These are automatic associations, and they exist in many domains, e.g., a preferred association of women with families and men with careers, a preferred association with a particular racial or ethnic group (IAT, Greenwald 1998).
- G. The underlying theory in this new research is that we will respond more accurately and quickly to associations that fit with our pre-formed mental templates or schemas, that is, we respond more quickly to acquired associations that are largely involuntary (Greenwald & Krieger, Nosek).
- H. Implicit biases draw on the brain's schema (Greenwald), some of which are helpful—tying our shoes for example, others not—race-biased police shooting for example (Redfield 2013, NAACP, Sen).
- I. Implicit biases influence our decisions and actions (Banaji & Greenwald, Greenwald & Poehlman).
- J. How smart or sophisticated you are doesn't matter in terms of the operation of such biases, including decision-making heuristics (West).
- K. Cumulated research on the IAT shows that most Americans respond more quickly to—are implicitly biased toward—European American as compared to African American, toward the abled as compared to the disabled (IAT, Nosek).
- L. Research from physical science supports the social science and recognizes implicit bias and this dissociation between what we say and what we unconsciously reveal (Phelps 2000, Kubota, Amodio 2003).
- M. There is a wealth of literature, including meta-analyses, on the IAT generally and on its relationship to explicit bias and its value as a predictor of same (Banaji & Greenwald, Greenwald & Poehlman, Pettigrew, Amodio).
- N. “People may possess associations with which they actively and honestly disagree” (Nosek & Riskind).
- O. While there is no blame in the quick, shortcut working of our brains, also not an excuse.
- P. Motivation to be fair can make a difference (Kang).
- Q. Debiasing at critical decision points can contribute to a more fair result

and can be achieved by becoming more mindful of when and how to activate more reasoned, less intuitive response.

**V. Group dynamics are also critical to understanding implicitly biased responses.**

- A. “Social cognition research indicates that categorization of and preference for people based on group identity is a normal, fundamental process of the human brain. Our ability to categorize our experience, in fact, is an ‘indispensable cognitive device for understanding, negotiating, & constructing our social world’” (NJC).
- B. Psychology researchers link culture and decision making: "Decision making is a very private thing, individualized and personal. Yet it has a cultural dimension. The human brain does not acquire language, symbolic skills, or any form of symbolic cognition without the pedagogical guidance of culture and, as a result, most decisions made in modern society engage learned algorithms of thought that are imported from culture” (Donald).
- C. We all are part of cultural groups, and cultural groups are one of the major categorization mechanisms that all humans use. Examples of traits that define cultural groups include race, ethnicity, religion, gender, sexual orientation, national origin, family or professional status, etc. Culture is also described as shared meanings and shared language or representational communications (ABA CJS).
- D. We prefer our own, no matter how we define our own. For example, in a now classic experiment, researchers showed that this group loyalty occurs even if factors that put you in a group are random and arbitrary, that is, the very act of categorization may be enough to create an in-group preference (Tajfel).
- E. We view those in our group as better and more admirable. We view individuals’ skills favorably; we consider group members to be more competent, cooperative, confident, independent, intelligent, warmer, more affirming, tolerant, good-natured, sincere, and more concerned with group goals. Those in our ingroup will be more favorably remembered (Perdue, Pettigrew, Levinson, Osborne).
- F. We tend to exaggerate differences between groups and view those in the outgroup as worse. We view outside individuals as not competent, not warm, and threatening; we may view them with contempt or pity (Fiske & Mccrae).
- G. Our automatic group identification is significant; it is easy to see how it can impact a wide range of our behaviors and decisions; think about evaluation, admissions, class participation, engagement, hiring, retention, and promotion, as well as more general decision making. As described previously, we make connections when someone is labeled a certain way—American for example (Atwater, Redfield 2013).
- H. Similarly, the attitudes of one’s group influence an individual group

member's attitudes. When we become aware that our attitudes differ from our groups' attitudes, our attitudes tend to shift toward the norm of our peer group; this includes influence on our biases (Dasgupta, Bargh).

- I. Interestingly, these dynamics come into play once we make a choice. When we have to choose between two alternatives that are initially equally attractive, after making a decision, we will tend to "evaluate the chosen alternative substantially more positively than the rejected alternative" (Gawronski). This seems to be true expressly and implicitly. Once we choose a student or candidate to have the lead in something, we stick with it and vice versa.
- J. Implicit cognition and group identification give advantages and disadvantages, which are cumulative (Valian, Simpson).

## **VI. Micromessaging is another aspect of implicitly biased responses.**

- A. Micromessages, spoken and unspoken, are small, often unknown, often unintended (Rowe).
- B. Micromessages can be affirmative or negative, but whether they are intended or not they have impact on the recipient and others (Rowe).
- C. Like group preference, micromessages are cumulative, that is, there is an accumulation of advantage or disadvantage (Simpson, Redfield 2013, Schmelz). This is sometimes called the Matthew-effect: "For whomsoever hath, to him shall be given, and he shall have more abundance; but whomsoever hath not, from him shall be taken away even that he hath." It is easy to see how a student or young person expected to be and labeled as a good will succeed where the ones expected to be and labeled as trouble-makers will not.

## **VII. Debiasing is possible and necessary.**

- A. Over two decades of persuasive research (Greenwald, Banaji & Greenwald, Kahneman, Vendantam), Casey NCSC) from both neuropsychology and neuroimaging (Lieberman) offer a view that departs dramatically from classic regulatory interventions and from the usual enforcement analysis of disparate impact or intent. The research supports instead initiatives that train us to engage in more intentional and mindful reflection to avoid implicit biases at critical decision points.
- B. Research continues to mount as to effective approaches to interrupt and suppress reflexive responses in appropriate situations—debiasing (Devine, Dasgupta 2013, Dasgupta & Asgari).
- C. Implicit biases are malleable, and it is this malleability that offers dramatic opportunities for addressing disproportionality (Dasgupta 2013).
- D. Motivation to be less (implicitly) biased matters (Bartlett).
- E. Becoming aware of implicit biases offers an opportunity to learn to be more reflective about our decisions and to take the intentional mindful

steps necessary to debias them (Dasgupta 2013, Dasgupta & Asgari, Sen).

- F. Mindfulness is key. Debiasing is possible where we make categories salient and train ourselves to be conscious of difference and individuate (NJC, Dasgupta, Redfield 2013).
- G. And once debiased, it is likely that our education system will look very different from the disproportional picture it presents today. What is needed is a commitment of resources to appropriate training to this end.

### **VIII. Summary Points**

- A. While disproportionality issues have been intransigent, emerging social science and brain research offers a new explanation and direction where change may now be possible.
- B. Until now, people of good faith have, in all good faith, reported their commitment to nondiscrimination and decisions about students that are unbiased.
- C. Now, social science shows us that, despite all good intention, unintended and unconscious biases and group loyalties—implicit bias— may be influencing critical decisions about students in ways of which decisionmakers are often unaware, ways they would neither endorse nor express.
- D. A different approach to disproportionality calls for replacing implicit bias with more intentional and mindful reflection.
- E. Such an approach can change the way we view discipline and sentencing.

#### **Overarching Conclusion**

Today, no one would say “Well, as much as we try, we just can’t do anything with those Black boys except send them to the School Resource Officer.” No one would say, “Well she’s like those other Native students, the courts can handle her better than we can.” No, no one would say anything like this. Indeed, most, if not all, of us would never endorse these views, and we do not want to believe anything like these sentiments exists or influences decisions in our public education and juvenile justice systems. But a growing body of research suggests that—without intent, and often without knowledge—we are influenced by unconscious implicit bias, bias of a kind highlighted in these explicit statements. Becoming aware of implicit biases offers an opportunity to learn to be more reflective about our decisions and to take the intentional mindful steps necessary to debias them. And once trained in this approach, it is likely that our education and juvenile justice systems will look very different from the disproportional picture they present today.

### **IX. Quick Recommended Reading / Video List re: Implicit Bias**

#### **PowerPoint and training.**

- ABA Criminal Justice Section, Building Community Trust Model Curriculum and Instruction Manual at Unit 2, [http://www.americanbar.org/groups/criminal\\_justice/pages/buildingcommunity.html](http://www.americanbar.org/groups/criminal_justice/pages/buildingcommunity.html).



- ABA Section of Litigation, Implicit Bias Taskforce, Implicit Bias Toolbox, <http://www.americanbar.org/groups/litigation/initiatives/task-force-implicit-bias/implicit-bias-toolbox.html>.

#### **Books and articles**

- Mahzarin R. Banaji & Anthony G. Greenwald, *Blindspot: Hidden Biases of Good People* (2013).
- Malcolm Gladwell, *Blink: The Power of Thinking without Thinking* (2007).
- Daniel Kahneman, *Thinking Fast and Slow* (2011).
- Jerry Kang, National Campaign to Ensure the Racial and Ethnic Fairness of America's State Courts, *Implicit Bias - A Primer for Courts* (August 2009), <http://wp.jerrykang.net.s110363.gridserver.com/wp-content/uploads/2010/10/kang-Implicit-Bias-Primer-for-courts-09.pdf>.
- Shawn Marsh, *The Lens of Implicit Bias, Juvenile and Family Justice Today* (Summer 2009), available at [http://www.ncsconline.org/D\\_Research/ref/IMPLICIT%20BIAS%20Marsh%20Summer%202009.pdf](http://www.ncsconline.org/D_Research/ref/IMPLICIT%20BIAS%20Marsh%20Summer%202009.pdf).
- Project Implicit, <https://implicit.harvard.edu/implicit/>.

#### **Video**

- ABA Section of Litigation, *The Science and Implications of Implicit Bias* <http://www.americanbar.org/groups/litigation/initiatives/task-force-implicit-bias/implicit-bias-videos.html>.
- California videos, [http://www2.courtinfo.ca.gov/comet/html/broadcasts/6433\\_video.htm](http://www2.courtinfo.ca.gov/comet/html/broadcasts/6433_video.htm).
- Video. *The Lunch Date*, <http://www.youtube.com/watch?v=eputZigxUY8>.

## **APPENDIX 1: FIGURES FOR REFERENCE**

Figure 1. U.S. Juvenile Population

Figure 2. U.S. Teacher Population By Race & Ethnicity

Figure 3. Reading Below Basic by Race & Ethnicity

Figure 4. Graduation Rates by Status

Figure 5. Status Dropout Rate by Race & Ethnicity

Figure 6. Discipline Disproportionality

Figure 7. CRDC Discipline, Referral to Law Enforcement by Race & Ethnicity

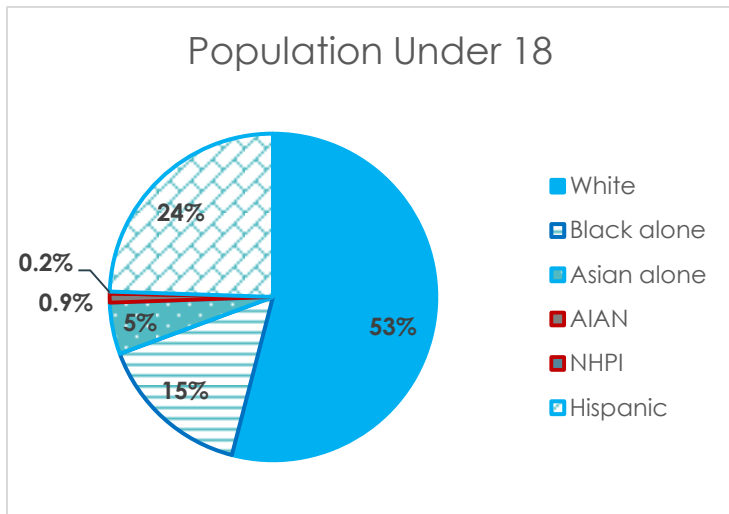
Figure 8. Relative Rates Juvenile Justice

Figure 9. Lowered Detention Lowered Violence

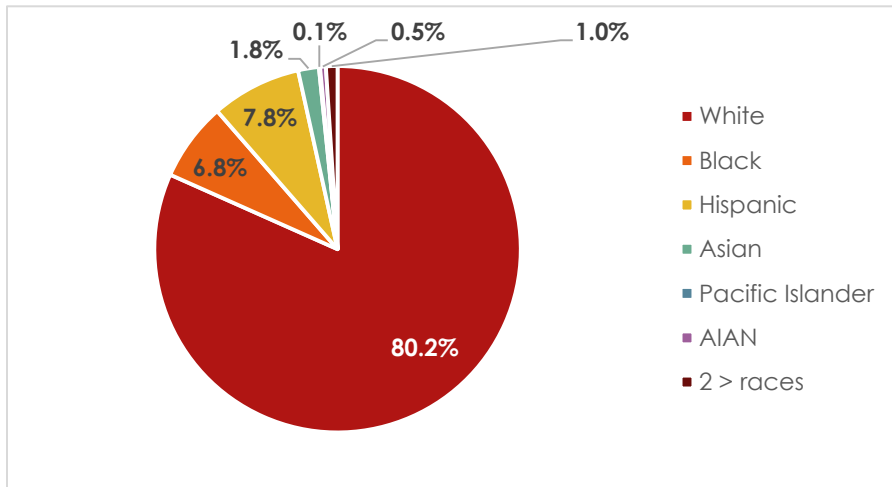
## FIGURE 1. U.S. JUVENILE POPULATION<sup>1</sup>

---

<sup>1</sup> U.S. Census, Families and Living Arrangements, C3. Living Arrangements of Children Under 18 Years/1 and Marital Status of Parents, by Age, Sex, Race, and Hispanic Origin/2 and Selected Characteristics of the Child for All Children: 2012, <<https://www.census.gov/hhes/families/data/cps2012C.html>> (last visited 4/19/2014); The Annie E. Casey Foundation, KIDS COUNT, Working Paper: The Changing Child Population of the United States: Analysis of Data from the 2010 Census (November 2011), <http://www.aecf.org/~media/Pubs/Initiatives/KIDS%20COUNT/T/TheChangingChildPopulationofth> (for AIAN NHPI numbers 2010).

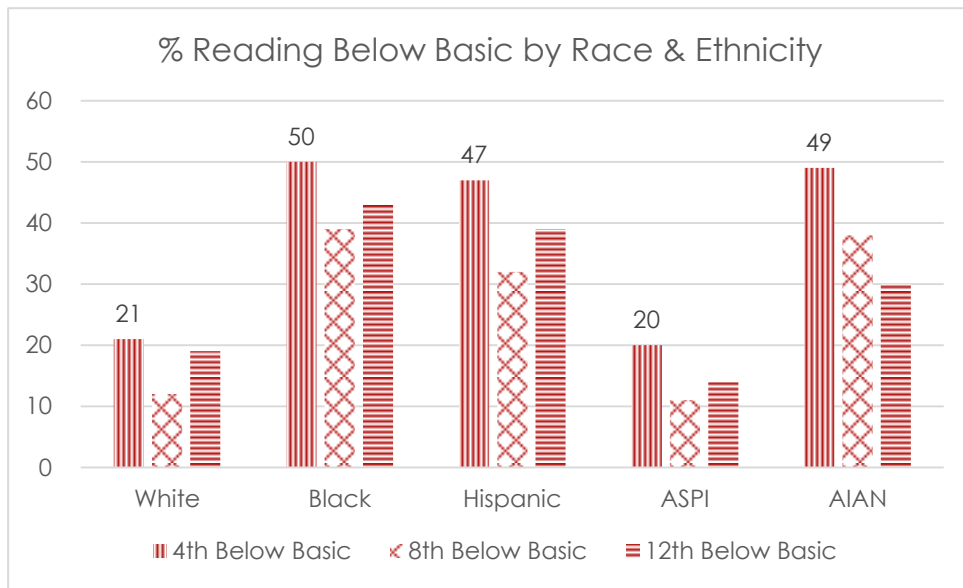


**FIGURE 2. U.S. TEACHER POPULATION BY RACE & ETHNICITY<sup>2</sup>**



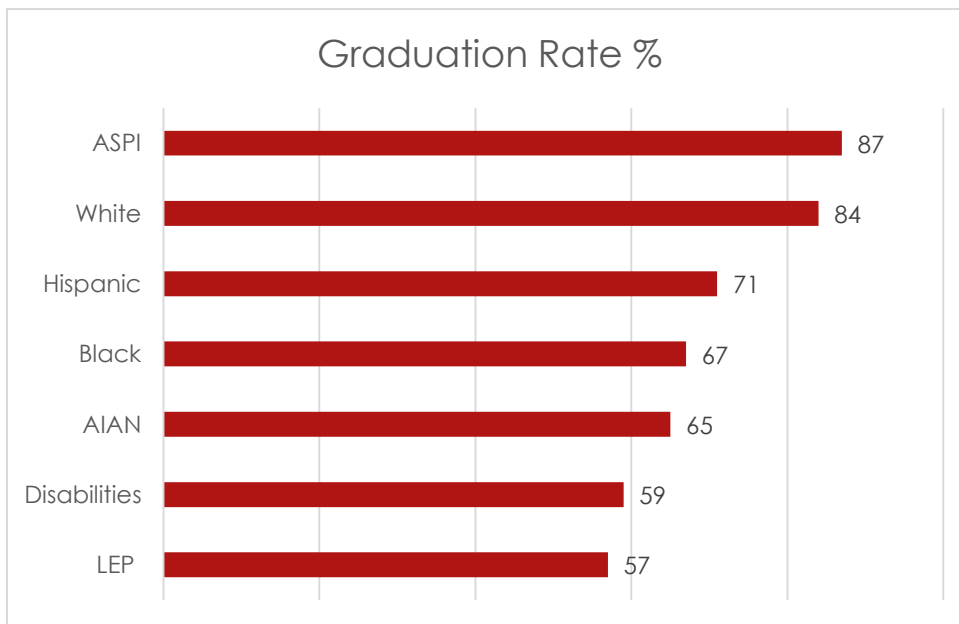
<sup>2</sup> Nat'l Ctr. for Educ. Statistics, U.S. Dep't of Educ., Digest of Education Statistics tbl. 209.10, Number and percentage distribution of teachers in public and private elementary and secondary schools, by selected teacher characteristics: Selected years, 1987-88 through 2011-12 (2013), available at [http://nces.ed.gov/programs/digest/d13/tables/dt13\\_209.10.asp](http://nces.ed.gov/programs/digest/d13/tables/dt13_209.10.asp).

**FIGURE 3. READING BELOW BASIC BY RACE & ETHNICITY<sup>3</sup>**



**FIGURE 4.**

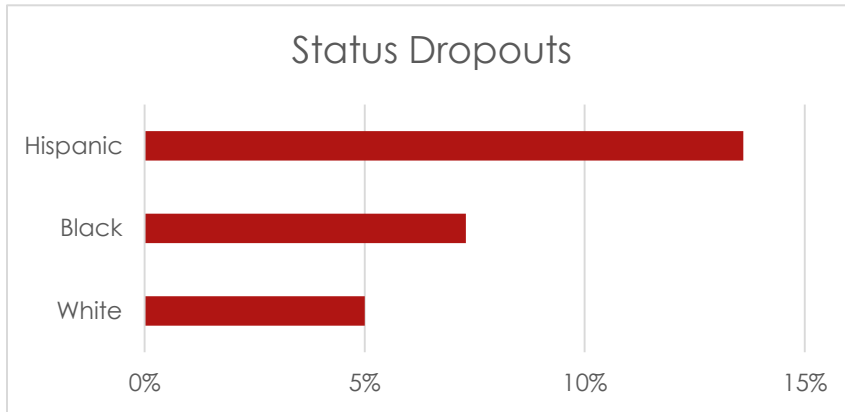
**GRADUATION RATES BY STATUS<sup>4</sup>**



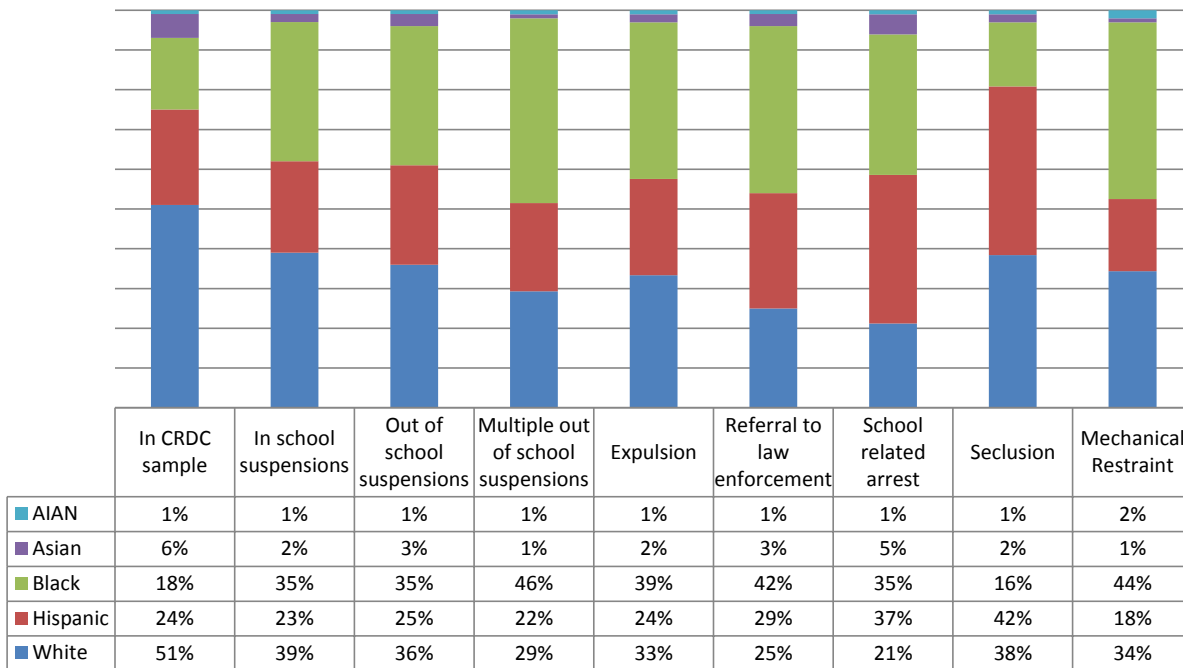
<sup>3</sup> Nat'l Ctr. for Educ. Statistics, U.S. Dep't of Educ., Digest of Education Statistics tbl. 221.20, Percentage of students at or above selected National Assessment of Educational Progress (NAEP) reading achievement levels, by grade and selected student characteristics: Selected years, 1998 through 2013 (2013), available at [http://nces.ed.gov/programs/digest/d13/tables/dt13\\_221.20.asp](http://nces.ed.gov/programs/digest/d13/tables/dt13_221.20.asp).

<sup>4</sup> Marie C. Stetser & Robert Stillwell, Nat'l Ctr. for Educ. Statistics, U.S. Dep't of Educ., tbl. 1, Public high school 4-year adjusted cohort graduation rate (ACGR), by race/ethnicity and selected demographics for the United States, the 50 states, the District of Columbia, and other jurisdictions: School year 2010-11 (2014), <http://nces.ed.gov/pubs2014/2014391.pdf>.

**FIGURE 5. STATUS DROPOUT RATE BY RACE & ETHNICITY<sup>5</sup>**



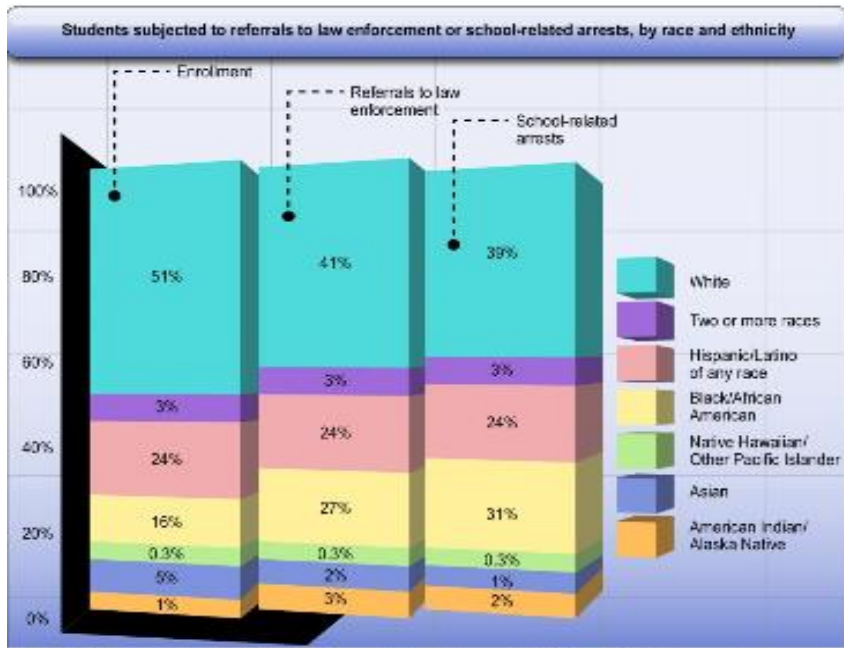
**FIGURE 6. DISCIPLINE DISPROPORTIONALITY<sup>6</sup>**



<sup>5</sup> Nat'l Ctr. for Educ. Statistics, U.S. Dep't of Educ., Digest of Education Statistics, tbl. 128, Percentage of high school dropouts among persons 16 through 24 years old (status dropout rate), by sex and race/ethnicity: Selected years, 1960 through 2011 (2012), [http://nces.ed.gov/programs/digest/d12/tables/dt12\\_128.asp](http://nces.ed.gov/programs/digest/d12/tables/dt12_128.asp). "Status' dropouts are 16- to 24-year-olds who are not enrolled in school and who have not completed a high school program, regardless of when they left school. People who have received GED credentials are counted as high school completers. All data except for 1960 are based on October counts. Data are based on sample surveys of the civilian noninstitutionalized population, which excludes persons in prisons, persons in the military, and other persons not living in households. Race categories exclude persons of Hispanic ethnicity except where otherwise noted." Id.

<sup>6</sup> CRDC Data, Adapted from Civil Rights Data Collection (March 2012) <http://ocrdata.ed.gov/Downloads/CMOCRTheTransformedCRDCFINAL3-15-12Accessible-1.pdf>.

**FIGURE 7. CRDC DISCIPLINE, REFERRAL TO LAW ENFORCEMENT BY RACE & ETHNICITY<sup>7</sup>**



NOTE: Detail may not sum to 100% due to rounding. Totals are 49 million students for overall enrollment, 260,000 students referred to law enforcement, and 92,000 students subject to school-related arrests. Data on referrals to law enforcement represents 98% of schools and data on school related arrests represents 94% of schools in the CRDC universe.

SOURCE: U.S. Department of Education, Office for Civil Rights, Civil Rights Data Collection, 2011-12.

<sup>7</sup> CRDC, Data Snapshot Issue Brief #1, School Discipline 6 (March 21, 2014), <http://ocrdata.ed.gov/Downloads/CRDC-School-Discipline-Snapshot.pdf>.

**FIGURE 8. RELATIVE RATES JUVENILE JUSTICE<sup>8</sup>**

RELATIVE RATES	Minority	Black	AIAN*	AHPI**
Arrest	1.7	2.2	0.9	0.3
Referral	1.1	1.1	1.2	1
Diversion	0.7	0.7	0.8	0.9
Detention	1.2	1.2	1.4	1.1
Petitioned	1.2	1.2	1.1	1.1
Adjudicated	0.9	0.9	1.1	0.9
Probation	1.2	1.2	1	0.9
Placement	0.9	0.9	1	1.1
Waiver	1.2	1.2	1.3	0.4

**FIGURE 9. LOWERED DETENTION LOWERED VIOLENCE<sup>9</sup>**

---

<sup>8</sup> Puzzanchera, C. and Hockenberry, S. (2013). National Disproportionate Minority Contact Databook, Relative Rate Indices for Delinquency Offenses, 2011 Case Processing Summary, <http://www.ojdp.gov/ojstatbb/dmcd/b/asp/display.asp>.

<sup>9</sup> Justice Policy Institute, The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense 12 (2009), [http://www.justicepolicy.org/images/upload/09\\_05\\_rep\\_costsofconfinement\\_jj\\_ps.pdf](http://www.justicepolicy.org/images/upload/09_05_rep_costsofconfinement_jj_ps.pdf).



**Top 10 States that lowered the number of youth in juvenile justice facilities from 1992 to 2006.** Seven of the 10 states that reduced the number of youth in juvenile justice facilities also experienced drops in the total number of violent offenses reported to law enforcement.

State	Percent change in number of youth in juvenile facilities	Percent change in total number of violent offenses reported	Percent change in number of property offenses reported
Louisiana	-57%	-20%	-30%
Mississippi	-41%	-32%	-18%
New Mexico	-39%	-15%	-27%
Washington	-34%	-11%	-7%
Maine	-34%	2%	-11%
Wisconsin	-33%	13%	-11%
Tennessee	-33%	8%	-2%
Georgia	-27%	-3%	-6%
Connecticut	-27%	-23%	-25%
Maryland	-26%	-12%	-20%
<i>Average</i>	-35%	-9%	-16%
<b>US Total</b>	<b>-12%</b>	<b>-13%</b>	<b>-14%</b>

## **CITATIONS and BACKGROUND REFERENCES FOR OUTLINE**

- ABA CJS. ABA Criminal Justice Section, Building Community Trust Model Curriculum,  
[http://www.americanbar.org/groups/criminal\\_justice/pages/buildingcommunity.html](http://www.americanbar.org/groups/criminal_justice/pages/buildingcommunity.html).
- ABA. ABA Section of Litigation Task Force on Implicit Bias, Implicit Bias Toolbox & Training Manual, available at ABA Website,  
<http://www.americanbar.org/groups/litigation/initiatives/task-force-implicit-bias/implicit-bias-toolbox.html>.
- AG. Robert L. Listenbee, Jr. et al., Report of the Attorney General's National Task Force on Children Exposed to Violence (2012) 185-87, available at  
<http://www.justice.gov/defendingchildhood/cev-rpt-full.pdf> (last visited May 11, 2014).
- Amodio 2003. David M. Amodio et al., Individual Differences in the Activation and Control of Affective Race Bias as Assessed by the Startle-Blink Responses and Self-report, 84 *J. Personality & Social Psychol.* 738 (2003).
- Amodio. David Amodio & Patricia Devine, On the Interpersonal Functions of Implicit Stereotyping and Evaluative Race Bias: Insights from Social Neuroscience in Attitudes: Insights from the New Implicit Measures (Richard E. Petty et al. eds., 2009).
- APA. Russell J. Skiba et al., American Psychological Association, Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations, A Report by the American Psychological Association Zero Tolerance Task Force 5 (adopted 2006), <http://www.apa.org/pubs/info/reports/zero-tolerance-report.pdf>.
- Arcia. Emily Arcia, Achievement and Enrollment Status of Suspended Students: Outcomes in a Large, Multicultural School District. 38 *EDUC. & URB. SOC'Y* 359 (2006).
- Atwater. Sheri A. Castro Atwater, Waking Up to Difference: Teachers, Color-Blindness, and the Effects on Students of Color, *Journal of Instructional Psychology*, 2008,  
[http://findarticles.com/p/articles/mi\\_m0FCG/is\\_3\\_35/ai\\_n30972523/pg\\_4/?tag=content;coll](http://findarticles.com/p/articles/mi_m0FCG/is_3_35/ai_n30972523/pg_4/?tag=content;coll).
- Banaji & Greenwald. Mahzarin R. Banaji & Anthony G. Greenwald, Blindspot: Hidden Biases of Good People (2013).
- Bargh. John A. Bargh, et al, Automaticity of social behavior: Direct effects of trait construct and stereotype activation on action, 71 *J. Personality & Social Psychol.* 230 (1996).
- Bartlett. Katherine Bartlett, Making Good on Good Intentions: The Critical Role of Motivation in Reducing Implicit Workplace Discrimination, 95 *Va. L. Rev.* 1893 (2009).
- Belfield. The Price We Pay: Economic and Social Consequences of Inadequate Education 191 (Clive R. Belfield & Henry M. Levin eds. 2007).
- Biernat. Monica Biernat & Amanda K. Seskob, Communicating About Others: Motivations and Consequences of Race-Based Impressions, 49 *J. Experimental Social Psychol.* 138 (2013)

Blomberg. Thomas G. Blomberg et al., Is educational achievement a turning point for incarcerated delinquents across race and sex?, 41 J. Youth Adolescent. 202 (2012); Thomas G. Blomberg, William D. Bales, Karen Mann, Alex R. Piquero, and Richard A. Berk. Incarceration, Education and Transition from Delinquency, 39 Journal of Criminal Justice 355 (2011).

Bridgeland. John Bridgeland et al., The Silent Epidemic: Perspectives of High School Dropouts 2, <https://docs.gatesfoundation.org/Documents/thesilentepidemic3-06final.pdf>.

Carter. Prudence Carter, Michelle Fine, & Stephen Russell, Discipline Disparities Series: Overview, [http://www.indiana.edu/atlantic/wp-content/uploads/2014/04/Disparity\\_Overview\\_040414.pdf](http://www.indiana.edu/atlantic/wp-content/uploads/2014/04/Disparity_Overview_040414.pdf).

Casey NCSC. Pamela M. Casey et al., Helping Courts Address Implicit Bias: Resources for Education (NCSC 2012).

Casey. Annie E. Casey Foundation, Juvenile Detention Alternatives Initiative, Detention Reform: An Effective Approach to Reduce Racial and Ethnic Disparities in Juvenile Justice (2010).

CDF. Children's Defense Fund, School Suspensions: Are They Helping Children (1975).

Census, Juvenile. Census of Juveniles in Residential Placement: 1997-2010, [http://ojjdp.gov/ojstatbb/ezacjrp/asp/Offense\\_Race.asp?state=0&topic=Offense\\_Race&year=2010&percent=row](http://ojjdp.gov/ojstatbb/ezacjrp/asp/Offense_Race.asp?state=0&topic=Offense_Race&year=2010&percent=row).

Census, Prison. Federal Bureau of Prisons, Staff Ethnicity/Race (22 February 2014), [http://www.bop.gov/about/statistics/statistics\\_staff\\_ethnicity\\_race.jsp](http://www.bop.gov/about/statistics/statistics_staff_ethnicity_race.jsp).

Census, Teachers, Emily Feistritz, Profile of Teachers in the U.S. 201, <http://www.edweek.org/media/pot2011final-blog.pdf>.

Census, U.S. American Fact Finder, PEPSR5H-Sex-Both Sexes Year-July 1, 2012 Hispanic Origin-Not Hispanic: Annual Estimates of the Resident Population by Sex, Race Alone or in Combination, and Hispanic Origin for the United States, States, and Counties: April 1, 2010 to July 1, 2012, 2012 Population Estimates, <http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk>.

Chronicle. Kevin Carey, *No One Rises to Low Expectations*, Chron. of Higher Educ., Nov. 28, 2008, at A99, <http://www.ccsse.org/news/article.cfm?ArticleID=123>.

Coleman. James S. Coleman et al., Equality of Educational Opportunity (1966) (Coleman Report), available at <http://www.icpsr.umich.edu/icpsrweb/ICPSR/studies/06389> (1966).

Condition. Nat'l Ctr. for Educ. Statistics, U.S. Dep't of Educ., The Condition of Education 2012, Table 215. Total and current expenditures per pupil in fall enrollment in public elementary and secondary education, by function and state or jurisdiction: 2009-10 (2012).

Council. Council for Children with Behavioral Disorders, Council for Exceptional Children, CCBD's Position Summary: Federal Policy on Disproportionality in Special Education (2012), <http://www.ccbd.net/?q=node/140>.

CRDC. Department of Education, Office for Civil Rights, Civil Rights Data Collection, [ocrdata.ed.gov](http://ocrdata.ed.gov).

CRDC. U.S. Department of Education Office for Civil Rights Civil Rights Data Collection: Data Snapshot (School Discipline), March 21, 2014, <http://ocrdata.ed.gov/Downloads/CRDC-School-Discipline-Snapshot.pdf>.

Croft. Alyssa Croft & Toni Schmader, The Feedback Withholding Bias: Minority Students Do Not Receive Critical Feedback From Evaluators Concerned About Appearing Racist, 48 *J. Experimental Social Psychol.* 1139 (2012).

Dasgupta. Nilanjana Dasgupta, Color Lines in the Mind: Unconscious Prejudice, Discriminatory Behavior, and the Potential for Change in A. Grant-Thomas & G. Orfield eds., *21st Century Color Lines: Exploring the Frontiers of America's Multicultural Future* (2008).

Dasgupta 2013. Nilanjana Dasgupta, Professor of Psychology University of Massachusetts, Amherst, Presentation, Debiasing Implicit Attitudes, Mind Science Conference (Chicago April 26, 2013).

Dasgupta & Asgari. Nilanjana Dasgupta & Shaki Asgari, Seeing Is Believing: Exposure to Counterstereotypic Women Leaders and Its Effect on the Malleability of Automatic Gender Stereotypes, 40 *J. Experimental Soc. Psychol.* 642 (2004).

Dear Colleague. U.S. Department of Justice & U.S. Department of Education, Dear Colleague Letter: Nondiscriminatory Administration of School Discipline (Jan. 8, 2014), <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.pdf>.

Dee. Thomas S. Dee, A Teacher like Me: Does Race, Ethnicity, or Gender Matter? 95 *The American Economic Review* 158 (2005).

Devine. Patricia G. Devine et al., Long-Term Reduction in Implicit Bias: A Prejudice Habit-Breaking Intervention, 48 *J. Experimental Soc. Psychol.* 1267 (2013); Stereotypes and Prejudice: Their Automatic and Controlled Components, 56 *J. Personality & Soc. Psychol.* 5, 5-6, 15 (1989).

Digest. Nat'l Ctr. for Educ. Statistics, U.S. Dep't of Educ., Digest of Education Statistics 2013.

DMC. DMC Data Sources, National Disproportionate Minority Contact Databook, <http://ojjdp.gov/ojstatbb/dmcdmcb/asp/sources.asp>.

Donald. Merlin Donald, How Culture and Brain Mechanisms Interact in Decision Making, in Christoph Engel & Wolf Singer, eds., *Better than Conscious? Decision Making, the Human Mind, and Implications for Institutions* 191 (2008).

Eckes. Suzanne Eckes & Julie Swando, Special Education Subgroups under NCLB: Issues to Consider, 111 *Teachers College Record* 2479, 2483 (2009), <http://www.tcrecord.org/Content.asp?ContentID=15437>.

Education Alliance. The Educ. Alliance, Student Voice: West Virginia Students Speak out About the Achievement Gap 62 (2004), *available at* <http://www.educationalliance.org/Downloads/Research/StudentVoice.pdf>; The Education Alliance, *Through Different Lenses: West Virginia School Staff and Students*

React to School Climate 39 (2006), *available at*  
<http://www.educationalliance.org/Downloads/Research/ThroughDifferentLenses.pdf>.

Fabelo. Tony Fabelo, et al., Breaking Schools' Rules: A Statewide Study on How School Discipline Relates to Students' Success and Juvenile Justice Involvement, <http://csgjusticecenter.org/youth/breaking-schools-rules-report/>.

Fiske & Macrae. Susan T. Fiske & C. Neil Macrae eds., Stereotype Content Model, Social Categorization and the Perception of Social Groups in SAGE Handbook of Social Cognition at Ch. 16 (2012).

Fiske. Handbook of Social Psychology 1090 (Susan T. Fiske, et al. eds., 5th ed. 2010).

Gawronski. Bertram Gawronski, et al., I Like It, Because I Like Myself: Associative Self-anchoring and Post-decisional Change of Implicit Evaluations, 43 J. Experimental Soc. Psychol. 221 (2007).

Gladwell. Malcolm Gladwell, Blink: The Power of Thinking without Thinking (2007).

Glennie. Elizabeth Glennie et al., Addition by Subtraction: The Relation between Dropout Rates and School-Level Academic Achievement, Teachers College Record (2012), <http://www.tcrecord.org/Content.asp?ContentID=16529>.

Goodman & Redfield. Chris Goodman & Sarah Redfield, *A Teacher Who Looks Like Me*, \_\_ St. John's University School of Law Journal of Civil Rights and Economic Development \_\_ (2013).

Graham. Sandra Graham & Brian S. Lowery, Priming Unconscious Racial Stereotypes about Adolescent Offenders, Research Paper Series, Research Paper 1857 (2004)

Greenwald et al. 1998. Anthony G. Greenwald et al., Measuring Individual Differences in Implicit Cognition: The Implicit Association Test, 85 J. Personality & Soc. Psychol. 1464 (1998); Anthony G. Greenwald, PhD, Professor, University of Washington, Department of Psychology, Presentation, The Psychology of Blink - Part 1 of 2: Understanding How Our Minds Work Unconsciously, <http://www.youtube.com/watch?v=xRUs9Ni3Bv8&feature=related>.

Greenwald & Krieger. Anthony G. Greenwald & Linda Hamilton Krieger, Implicit Bias: Scientific Foundations, 94 Calif. L. Rev. 945, 948 (2006).

Greenwald & Poehlman. Anthony G. Greenwald, T. Andrew Poehlman, Eric Luis Uhlmann, & Mahzarin R. Banaji, Understanding and Using the Implicit Ass'n Test: III. Meta-analysis of Predictive Validity, 97 J. Personality & Soc. Psych. 17 (2009).

Gregory 2010. Anne Gregory & Aisha R. Thompson, African American High School Students and Variability in Behavior across Classrooms, 38 J. Community Psychology 386 (2010).

Gregory. Anne Gregory et al., The Achievement Gap and the Discipline Gap: Two Sides of the Same Coin, 46 Educ. Researcher 2010, <http://www.indiana.edu/~atlantic/wp-content/uploads/2011/11/Gregory-et-al.-The-Achievement-Gap-and-the-Discipline-Gap-Two-Sides-of-the-Same-Coin.pdf>.

Harris. Melody Gutierrez, *Kamala Harris: California's 'Truancy Crisis' Must Be Stopped*, SFGate (Mar. 11, 2014), <http://www.sfgate.com/education/article/Kamala-Harris-California-s-truancy-crisis-must-5304576.php> (last visited May 1, 2014).

Harry. Beth Harry & Janette Klingner, *Why Are So Many Minority Students in Special Education?: Understanding Race & Disability in Schools* 76-79 (2005); Beth Harry et al., *Of Rocks and Soft Places: Using Qualitative Methods to Investigate Disproportionality in Losen & Orfield*, Civil Rights Project, *Racial Inequity in Special Education* 184-185 (Daniel J. Losen & Gary Orfield eds., 2002).

Hettleman. Kalman R. Hettleman, *The Road to Nowhere: The Illusion and Broken Promises of Special Education in the Baltimore City and Other Public School Systems* 30.

Hodges. Jane Hodges et al., Office of Juvenile Justice and Delinquency Prevention. *Improving Literacy Skills of Juvenile Detainees* (October 1994), <http://www.ncjrs.gov/pdffiles/lit.pdf>.

Huizinger. David Huizinger et al., *Urban Delinquency and Substance Abuse Initial Findings Report*, Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention 15 (1993).

IAT. Project Implicit, <https://implicit.harvard.edu/implicit/>.

JJAG. Juvenile Justice Advisory Group 2010 Annual Report, *Tough on Crime Promoting Public Safety by Doing What Works* 20, <http://www.criminaljustice.ny.gov/pio/annualreport/2010-juvenile-justice-annual-report.pdf> (last visited May 8, 2014).

Justice Policy Institute. Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense* 4 (May 2009), [http://www.justicepolicy.org/images/upload/09\\_05\\_rep\\_costssofconfinement\\_jj\\_ps.pdf](http://www.justicepolicy.org/images/upload/09_05_rep_costssofconfinement_jj_ps.pdf).

Juvenile. Juvenile Justice Information Exchange, *Juvenile Justice Resource Hub Adds New Section on Racial-Ethnic Fairness in the System*: (2014), <http://jjie.org/juvenile-justice-resource-hub-adds-new-section-on-racial-ethnic-fairness-in-the-system/106408/>; Juvenile Justice Information Exchange, *Racial-Ethnic Fairness*, <http://jjie.org/hub/racial-ethnic-fairness/#ref-1>.

Kahneman. Daniel Kahneman, *Thinking Fast and Slow* (2011).

Kang. Jerry Kang, Nat'l Center for State Courts, *Implicit Bias, A Primer* (2009), available at <http://wp.jerrykang.net.s110363.gridserver.com/wp-content/uploads/2010/10/kang-Implicit-Bias-Primer-for-courts-09.pdf>.

Kang-Brown. Jacob Kang-Brown et al., *A Generation Later: What We've Learned about Zero Tolerance in Schools* (2013), [http://www.indiana.edu/~atlantic/wp-content/uploads/2014/03/Implicit-Bias\\_031214.pdf](http://www.indiana.edu/~atlantic/wp-content/uploads/2014/03/Implicit-Bias_031214.pdf).

Klingner. Janette Klingner et al., *Addressing the Disproportionate Representation of Culturally and Linguistically Diverse Students in Special Education through Culturally Responsive Educational Systems*, 13 *Educ. Policy Analysis Archives* 1, 2, 20-21 (2005), <http://nepc.colorado.edu/files/v13n38.pdf>.

Kubota. Jennifer T. Kubota, Mahzarin R. Banaji & Elizabeth A. Phelps, The Neuroscience of Race, 15 *Nature Neuroscience* 940 (2012).

Levinson. Justin D. Levinson, Forgotten Racial Equality: Implicit Bias, Decisionmaking, and Misremembering, 57 *Duke L.J.* 345 (2007).

Lieberman. Matthew D. Lieberman, Professor of Psychology, University of California Los Angeles, Research, <http://www.scn.ucla.edu/research.html>; Lieberman, Reflective and Reflexive Judgment Processes: A Social Cognitive Neuroscience Approach in *Social Judgments: Implicit and Explicit Processes* (Joseph P. Forgas et al. eds., 2003).

Losen & Skiba. Daniel J. Losen & Russell Skiba, Suspended Education, [http://www.splcenter.org/sites/default/files/downloads/publication/Suspended\\_Education.pdf](http://www.splcenter.org/sites/default/files/downloads/publication/Suspended_Education.pdf) (2010).

Marsh. Shawn C. Marsh, The Lens of Implicit Bias, *Juvenile and Family Justice Today* 17-19 (Summer 2009), [http://www.ncsconline.org/D\\_Research/ref/IMPLICIT%20BIAS%20Marsh%20Summer%202009.pdf](http://www.ncsconline.org/D_Research/ref/IMPLICIT%20BIAS%20Marsh%20Summer%202009.pdf).

McCarthy. John D. McCarthy, The Social Construction of School Punishment: Racial Disadvantage Out of Universalistic Process, 65 *Social Forces* 1101 (1987).

McKown. Clark McKown & Rhona S. Weinstein, The Development and Consequences of Stereotype Consciousness in Middle Childhood, 74 *Child Development* 498, 498 (2003).

Miles. Sarah Miles & Deborah Stipek, Contemporaneous and Longitudinal Associations Between Social Behavior and Literacy Achievement in A Sample Of Low-Income Elementary School Children, 77 *Child Dev.* 103 (2006).

NAACP. NAACP LDF Statement on SCOTUS Victory in Police Shooting Case, <http://www.naacpldf.org/press-release/naacp-ldf-statement-scotus-victory-police-shooting-case>; *Tolan v. Cotton*, <http://www.naacpldf.org/document/tolan-v-cotton-ldf-motion-and-amicus-brief-support-certiorari>; *Tolan v. Cotton*, 572 U.S. \_\_\_\_ (2014), available at <http://supreme.justia.com/cases/federal/us/572/13-551/>.

NAEP. National Center for Education Statistics (NCES), National Assessment of Educational Progress (NAEP) NAEP Data Explorer, <http://nces.ed.gov/nationsreportcard/naepdata>.

National Center. Nat'l Center for Juvenile Justice, Juvenile Arrest Rates by Offense, Sex, and Race (1980-2011), *JAR\_2010.xls* (Feb. 25, 2014), [http://www.ojjdp.gov/ojstatbb/crime/excel/JAR\\_2011.xls](http://www.ojjdp.gov/ojstatbb/crime/excel/JAR_2011.xls) (Hispanic not included in this data set.) For definitions of each of these points of contact, see id. At Table 1.

Orfield. Gary Orfield et al., The Civil Rights Project at Harvard University, *Losing Our Future: How Minority Youth Are Being Left Behind by the Graduation Rate Crisis* (2004).

National Coalition. Nat'l Coal. of State Juvenile Justice Advisory Groups, *A Delicate Balance* (1989).

NJC. National Judicial College, <http://www.judges.org/index.html> (materials on file with author).

Nosek & Riskind. Brian A. Nosek & Rachel G. Riskind, Policy Implications of Implicit Social Cognition (July 12, 2011).

Nosek. Brian Nosek et al., Pervasiveness and Correlates of Implicit Attitudes and Stereotypes, 18 *European Review of Soc. Psychol.* 36 (2007), available at <http://projectimplicit.net/nosek/stimuli/>.

NRC. Comm. on Minority Representation in Special Education, National Research Council, *Minority Students in Special and Gifted Education* 56 (Suzanne Donovan & Christopher T. Cross eds., 2002); Panel on Selection and Placement of Students in Programs for the Mentally Retarded, Committee on Child Development Research and Public Policy, Commission on Behavioral and Social Sciences and Education, National Research Council, *Placing Children in Special Education: A Strategy for Equity* 4-5 (Kirby A. Heller, Wayne H. Holtzman & E. Samuel Mesick eds., 1982).

NYC Prison. Marc Santora, City's Annual Cost Per Inmate Is \$168,000, Study Finds, *NYTimes.com* (Aug. 23, 2013), available at [http://www.nytimes.com/2013/08/24/nyregion/citys-annual-cost-per-inmate-is-nearly-168000-study-says.html?\\_r=0](http://www.nytimes.com/2013/08/24/nyregion/citys-annual-cost-per-inmate-is-nearly-168000-study-says.html?_r=0) (last visited May 8, 2014).

OJJDP. William Feyerherm et al., Identification and Monitoring in OJJDP, DMC Technical Assistance Manual, 4th Edition 1-5 (2009), [https://www.ncjrs.gov/html/ojdp/dmc\\_ta\\_manual/dmcch1.pdf](https://www.ncjrs.gov/html/ojdp/dmc_ta_manual/dmcch1.pdf); OJJDP's DMC Virtual Resource Center, <https://www.nttac.org/index.cfm?event=dmc.modelResource>.

Osborne. Danny Osborne & Paul G. Davies, Crime Type, Perceived Stereotypicality, and Memory Biases: A Contextual Model of Eyewitness Identification 28 *Appl. Cognit. Psychol.* 392. 394 (2014).

Pearson. Adam R. Pearson, John F. Dovidio & Samuel L. Gaertner, The Nature of Contemporary Racial Prejudice, 3 *Social and Personality Psychology Compass* 314 (2009),

Perdue. Charles W. Perdue et al., "Us" and "Them": Social Categorization and the Process of Intergroup Bias, 59 *J. Personality & Soc. Psychol.* 475, 478-79, 482-84 (1990).

Pettigrew. Thomas F. Pettigrew & Linda R. Tropp, A Meta-Analytic Test of Intergroup Contact Theory, 90 *J. Personality & Soc. Psychol.* 751 (2006).

Phelps. Elizabeth A. Phelps et al., Performance on Indirect Measures of Race Evaluation Predicts Amygdala Activation, 12 *J. Cognitive Neuroscience* 729 (2000).

Piquero. Alexander Piquero, Disproportionate Minority Contact, 18 *Future Child* 59 (2008).

Pizzaro. Marcos Pizzaro, Chicanas and Chicanos in School Racial Profiling, Identity Battles, and Empowerment (2005).

Purdie-Vaughns. Valerie Purdie-Vaughns & Richard P. Eibach, Intersectional Invisibility: The Distinct Advantages and Disadvantages of Multiple Subordinate-group Identities, 59 *Sex Roles* 377, 380 (2008).

Redfield 2009. Sarah E. Redfield, *Diversity Realized: Putting the Walk with the Talk for Diversity in the Pipeline to the Legal Profession* (2009).



- Redfield 2013. Sarah E. Redfield, Professor of Law, Presentation, Mindfulness of Difference: A New Perspective for Educators and Lawyers, LawWorks, November 7, 2013, Toronto, ON (on file with author).
- Redfield 2014. Sarah E. Redfield, Professor of Law, Presentation, Why Is the ADVANCE So Slow?, June 3, 2014, Durham, NH (on file with author).
- Richeson. Dr. Jennifer Richeson, Professor of Psychology, Northwestern University, Presentation, Equal Justice Society Mind Science Conference, April 25, 2013, Chicago, IL; Jennifer A. Richeson et al., African Americans' Racial Attitudes and the Depletion of Executive Function after Interracial Interactions, 23 *Social Cognition* 336 (2005).
- Rosenthal. Robert Rosenthal & Lenore Jacobson, *Pygmalion in the Classroom* (1968); Robert Rosenthal, Covert Communication in the Classroom, 3 *EyeonPsichi* 18 (1998), [http://www.psichi.org/pubs/articles/article\\_121.aspx](http://www.psichi.org/pubs/articles/article_121.aspx).
- Rowe. Mary P. Rowe, Barriers to Equality: The Power of Subtle Discrimination to Maintain Unequal Opportunity, 3 *Employee Responsibilities and Rights Journal* 153 (National Center on Response to Intervention, <http://www.rti4success.org/>).
- Schmelz. Schmelz. Joan T. Schmelz. Introduction to Unconscious Bias, Presentation, [www.aas.org/cswa/MAY10/UncBias\\_Schmelz.pptx](http://www.aas.org/cswa/MAY10/UncBias_Schmelz.pptx).
- Schneider. Barbara Schneider, Sylvia Martinez, & Ann Owens, Barriers to Educational Opportunities for Hispanics in the United States, in *Hispanics and the Future of America* 188-89 (M. Tienda and F. Mitchell eds. 2006).
- Sen. Maya Sen et al., Identifying Judicial Empathy: Does Having Daughters Cause Judges to Rule for Women's Issues?, <http://scholar.harvard.edu/msen/publications/identifying-judicial-empathy-does-having-daughters-cause-judges-rule-womens-issues>.
- Sheets. Rosa Hernández Sheets, From Remedial to Gifted: Effects of Culturally Centered Pedagogy, *Theory into Practice* (Summer 1995), <http://courses.ttu.edu/rsheets/selected%20publication/sheets3.pdf>.
- Simpson. Caroline E. Simpson, Nibbled to Death by Ducks: Accumulation of Advantage and Disadvantage, [www.aas.org/cswa/MAY10/Simpson\\_UncBias.pdf](http://www.aas.org/cswa/MAY10/Simpson_UncBias.pdf).
- Skiba 2002. Russell J. Skiba et al., The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment, 34 *Urban Review* 317, 332 (2002).
- Skiba 2008. Russell J. Skiba et al., Achieving Equity in Special Education: History, Status, and Current Challenges (2008), [http://www.redorbit.com/news/education/1322341/achieving\\_equity\\_in\\_special\\_education\\_history\\_status\\_and\\_current\\_challenges](http://www.redorbit.com/news/education/1322341/achieving_equity_in_special_education_history_status_and_current_challenges).
- Skiba 2011. Russell Skiba et al., Race is Not Neutral: A National Investigation of African American and Latino Disproportionality in School Discipline, 40 *School Psychol. Rev.* 85, 86 (2011).
- Sleeter. Christine E. Sleeter, *Multicultural Education as Social Activism* 24 (1996).
- So. Alvin Y. So, Hispanic Teachers and the Labeling of Hispanic Students, 71 *The High School Journal* 5 (1987), [http://theresadehoyoN.com/ruiz\\_summer/So.pdf](http://theresadehoyoN.com/ruiz_summer/So.pdf).

Steele. Claude M. Steele, *A Threat in the Air: How Stereotypes Shape Intellectual Identity and Performance*, 52 *Am. Psychologist* 613, 614 (1997); Claude M. Steele, *Stereotyping and Its Threat Are Real*, 53 *Am. Psychologist* 680, 680-81 (1998); Claude M. Steele, *Whistling Vivaldi and Other Clues to How Stereotypes Affect Us* (2010).

Tajfel. Henri Tajfel, *Experiments in Intergroup Discrimination*, 223 *Sci. Am.* 96 (1970).

Texas Appleseed. Texas Appleseed, *Texas' School-to Prison Pipeline: Dropout to Incarceration* 27, 68, 82 (2007), <http://www.texasappleseed.net/pdf/Pipeline%20Report.pdf>.

Valian. Virginia Valian, *Why So Slow? The Advancement of Women* (1999).

Van Den Bergh. Linda van den Bergh et al., *The Implicit Prejudiced Attitudes of Teachers: Relations to Teacher Expectations and the Ethnic Achievement Gap*. 47 *Am. Educ. Res. J.* 497 (2010).

Vedantam. Shankar Vedantam, *See No Bias*, *Washington Post Magazine*, p. 12 (January 23, 2005); Vedantam 2010. Shankar Vedantam, *The Hidden Brain* (2010).

Vera. Christian Henrichson & Ruth Delaney, *The Vera Institute, The Price of Prisons: What Incarceration Costs Taxpayers* (Jan. 2012 updated 7/20/12), Figure 4, *The Taxpayer Costs of State Prison per Inmate, Fiscal Year 2010 \$ funded by state and federal revenue for states reporting to Vera survey*.

Wald. Johanna Wald, *Discipline Disparities Series Supplemental Paper II, Can De-Biasing Strategies Help to Reduce Racial Disparities in School Discipline? A Summary of the Literature* (2014), [http://www.indiana.edu/~atlantic/wp-content/uploads/2014/03/Implicit-Bias\\_031214.pdf](http://www.indiana.edu/~atlantic/wp-content/uploads/2014/03/Implicit-Bias_031214.pdf)

Wallace. John M. Wallace, Jr. et al., *Racial, Ethnic, and Gender Differences in School Discipline among U.S. High School Students: 1991-2005*, 47 *Negro Educ. Rev.* 59 (2008), available at NIH Public Access Manuscripts, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2678799/>.

Wang. Xiaoqin Wang, *Comparison of the Educational Deficiencies of Delinquent and Nondelinquent Students*, 2005 *Eval Rev.* 291 (2005).

Wehlage. Gary G. Wehlage & Robert Rutter, *Dropping Out: How Much Do Schools Contribute to the Problem?* 87 *Teachers College Record* 374 (1986).

Weinstein. Gregory & Weinstein, *The Discipline Gap and African Americans: Defiance or Cooperation in the High School Classroom*, *Journal of School Psychology* (2008).

WSPI. Washington State Institute for Public Policy, *Benefit-Cost Results* (2012), <http://www.wsipp.wa.gov/BenefitCost> (last visited May 14, 2014); Steve Aos et al., *Washington State Institute for Public Policy, Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates*(2006), <http://www.wsipp.wa.gov/ReportFile/952>.