

# RIGOR AND RELATIONSHIPS: THE POSITIVE CASE FOR INTEGRATION IN SCHOOLS AND NEIGHBORHOODS

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## INTRODUCTION

Integration in schools and housing often seems to be positioned as a zero-sum game; whites versus people of color. One strand of this argument suggests that if schools and neighborhoods remain segregated, as they presently are, white families will remain the winners. However, if changes are made that lead to greater integration, Black and Latino families will have prevailed. A second iteration of this zero-sum argument focuses on the dynamics of gentrifying neighborhoods. Successful gentrification is a white victory. If Black and Latino communities prevent white families from colonizing both the neighborhood and the schools to their own advantage, people of color are on top.

It is of course true that integration and gentrification both reduce the racial or ethnic homogeneity people currently experience in schools and neighborhoods. But is that a loss worth mourning? Few would argue explicitly for white racial homogeneity. However, Allison Roda and Stuart Wells found that when there are clearly very few “good” schools available in a given community, and those schools are majority white, white parents work hard to help “their children ‘win’ in the competitive scramble for the more prestigious educational credentials.”<sup>1</sup> This translates into lower levels of integration.

The idea that Black and Latino communities may be harmed by gentrification is more difficult to refute. When incoming renters and home buyers—who are predominantly white with higher incomes—drive up rent and property taxes, the effect can be profound for existing families with low and moderate incomes.<sup>2</sup> In addition to the ever-increasing rent burden on already economically challenged families,<sup>3</sup> when community demographics shift rapidly because of an influx of

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<sup>1</sup> Allison Roda & Amy Stuart Wells, *School Choice Policies and Racial Segregation: Where White Parents’ Good Intentions, Anxiety, and Privilege Collide*, 119 AM. J. EDUC. 261, 266 (2013).

<sup>2</sup> See Bethany Y. Li, *Now is the Time!: Challenging Resegregation and Displacement in the Age of Hypergentrification*, 85 FORDHAM L. REV. 1189, 1196–1203 (2016); Hannah Weinstein, *Fighting for a Place Called Home: Litigation Strategies for Challenging Gentrification*, 62 UCLA L. REV. 794 (2015).

<sup>3</sup> See generally Mark Willis et al., *NYU Furman Center/Citi Report on Homeownership Opportunity in New York City*, N.Y.U. FURMAN CTR. (Aug. 5, 2016), [http://furmancenter.org/files/NYUFurmanCenterCiti\\_HomeownershipOpportunityNYC\\_AUG\\_2016.pdf](http://furmancenter.org/files/NYUFurmanCenterCiti_HomeownershipOpportunityNYC_AUG_2016.pdf) [https://perma.cc/P27C-VUEF].

higher income residents, the remaining residents often experience an imposed culture shift and contested power dynamics.<sup>4</sup> But, *integration* resulting from gentrification can and should remain a goal if economic and social protections of current residents are simultaneously pursued.<sup>5</sup>

In this Essay, relying upon robust social science research, I posit that conceptualizing integration as a zero-sum game is wrong in either context. Rather, the combination of educational and residential integration would have powerful benefits for students, families, and society. The benefits are both specific to education and broadly linked to addressing all other forms of injustice linked to segregation by race and ethnicity. Rather than seeing a choice between excellence in education and integration, research suggests that the opposite is true. Diversity has been shown to increase the rigor and innovation of members of all the groups involved. If successfully implemented, educational integration has the potential to increase the academic achievements of all students. The broader societal benefits of integration in neighborhoods and schools would result from the cross-group relationships and friendships that are most apt to develop when people are living and learning together.

When people of different races and ethnicities do not live near each other or share schools, they are at risk of seeing each other through the distorted lens of media-produced stereotypes. Most students live in racially and ethnically homogenous neighborhoods and attend similarly homogenous schools. Currently, most teachers are white, growing up in and continuing to live in predominantly white neighborhoods,<sup>6</sup> even when they teach at schools that are either racially and ethnically diverse

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<sup>4</sup> Rachel D. Godsil, *Transforming Gentrification into Integration*, N.Y.U. FURMAN CTR. (May 2014), <http://furmancenter.org/research/iri/essay/transforming-gentrification-into-integration> [<https://perma.cc/4EYU-5FFR>].

<sup>5</sup> See generally Rachel D. Godsil, *The Gentrification Trigger: Autonomy, Mobility, and Affirmatively Furthering Fair Housing*, 78 BROOK. L. REV. 319 (2013).

<sup>6</sup> Indeed, because the disjuncture between teacher and student backgrounds can be so significant, programs are emerging to immerse student-teachers in communities of color. See, e.g., Veronica Fife-Demski, *Crossing Borders with a Level of Caring: An Ingredient for White Student Teachers When Immersing Themselves in Urban School Neighborhoods*, in 18 CURRICULUM & TEACHING DIALOGUE 71, 71–83, 192 (David J. Flinders & Christy M. Moroye eds., 2016).

or at segregated schools where the vast majority of students are children of color.<sup>7</sup>

The potential harms stem from teachers seeing students through the lens of stereotypes and from students, because of their racial or ethnic silos, not getting to know each other organically in either schools or neighborhoods. This lack of substantive contact puts all of us on a path where racial biases, anxieties, and stereotype threats are likely to continue even in the absence of explicit animus between groups.

Meaningful inter-group relationships are the most powerful bases for reducing racial bias and stereotyping. Reducing bias and stereotyping is a critical step to building greater equality in criminal justice, health care, and the workplace. Without basic housing and educational integration, redressing these other inequalities will continue to be a Sisyphean effort.

Supreme Court jurisprudence recognizes the educational benefits of diversity. As Justice Kennedy stated, diversity promotes “the lessening of racial isolation and stereotypes” and promotes cross-racial understanding.<sup>8</sup> Social science research reveals that inter-group interaction is crucial to increasing cross-racial understanding—by decreasing the cognitive phenomena of implicit bias, racial anxiety, and stereotype threat.<sup>9</sup> These phenomena have significant implications for educational achievement—and for promoting equality in other crucial contexts as well.

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<sup>7</sup> U.S. DEPT. OF EDUC., THE STATE OF RACIAL DIVERSITY IN THE EDUCATOR WORKFORCE (2016), <https://www2.ed.gov/rschstat/eval/highered/racial-diversity/state-racial-diversity-workforce.pdf> [<https://perma.cc/6DSF-XMQK>].

The elementary and secondary school teacher workforce in the United States is not as racially diverse as the population at large or the students. In the 2011–12 school year, 82 percent of public school teachers were white. In comparison, 51 percent of all 2012 elementary and secondary public students were white. In contrast, 16 percent of students were Black, and 7 percent of public teachers were Black. Likewise, while 24 percent of students were Hispanic 8 percent of teachers were Hispanic.

*Id.* at 6 (internal citations omitted).

<sup>8</sup> *Fisher v. Univ. of Tex.*, 570 U.S. 297, 308 (2013).

<sup>9</sup> Implicit bias refers to the automatic stereotypes and attitudes we hold about groups of people that are often contrary to our conscious values and beliefs. Racial anxiety is the concern we may have prior to or during an inter-group interaction that our race or ethnicity will undermine the encounter. And stereotype threat is the often unconscious concern we may have during the performance of a demand task—such as a test—that our actions will confirm a negative stereotype about our identity group. *See infra* Part II.

As I have argued elsewhere, white students experience the positive impacts of diversity as well as students of color.<sup>10</sup> Along with the rigor and innovation benefits that have been shown to flow from learning in diverse environments,<sup>11</sup> racial navigation—the ability to interact effectively with people of varied racial and ethnic backgrounds—is becoming a core competency in the workplace.<sup>12</sup> Thus, both white students and students of color who are educated in diverse classrooms may have competitive advantage in a professional world.

Crucially, inter-group contact would be at its most organic if both neighborhood and school integration were achieved. Currently, residential segregation is a significant impediment to effective school integration, and educational segregation is an impediment to successful residential segregation. This negative feedback loop gets in the way of people's ability to understand integration as a net-positive—which the social science reveals it in fact is—rather than perceiving it as a zero-sum contest in which somehow everyone seems to think of themselves as the loser.

This Essay first explores the current conditions of schools and neighborhoods and the impediments to achieving successful integration in schools—implicit bias, racial anxiety, and stereotype threat. Second, the Essay then identifies the strategies that are being employed in some schools to overcome these impediments and create quality schools that educate all students in a just and effective manner. Finally, the Essay explains how integrated neighborhoods would be the most effective long-term solution to the stereotyping and biases that underlie racial injustices across the board.

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<sup>10</sup> Rachel D. Godsil, *Why Race Matters in Physics Class*, 64 UCLA L. REV. DISC. 40, 44 (2016).

<sup>11</sup> Amy Stuart Wells et al., *How Racially Diverse Schools and Classrooms Can Benefit All Students*, CENTURY FOUND. (Feb. 9, 2016), <https://tcf.org/content/report/how-racially-diverse-schools-and-classrooms-can-benefit-all-students>.

<sup>12</sup> Julie K. Silver, *Diversity and Inclusion Are Core Leadership Competencies: A Primer for Busy Leaders*, BECKER'S HOSP. REV. (Sept. 25, 2017), <https://www.beckershospitalreview.com/hospital-management-administration/diversity-and-inclusion-are-core-leadership-competencies-a-primer-for-busy-leaders.html> [<https://perma.cc/GDP9-APDE>].

## I. BACKGROUND

A. *Demographics of Students and Teachers*

Students in public schools in the United States are becoming increasingly racially and ethnically diverse as the under-eighteen population and the school enrollment in the nation's metropolitan areas have continued to grow and become more racially diverse.<sup>13</sup> In 2010, white students comprised the largest group at 48%, with Latino students the next largest group at 25%, Black students at 18%, Asian Americans at 6%, and Native Americans at 0.10%.<sup>14</sup> In 2018, white students will account for 47.5%, Black students for 15%, Hispanic students for 28%, Asian American students for 6%, American Indian/Alaskan Native students for 0.10%, and 4% for students of two or more races.<sup>15</sup>

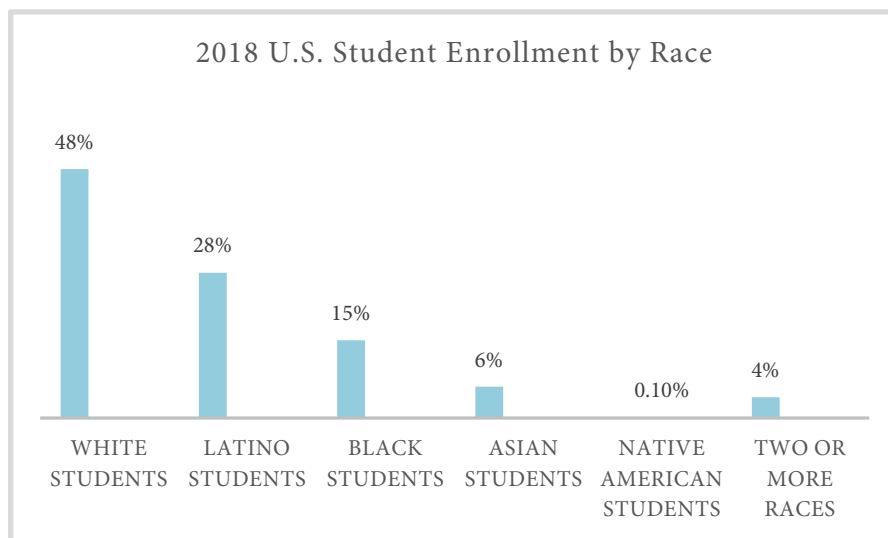
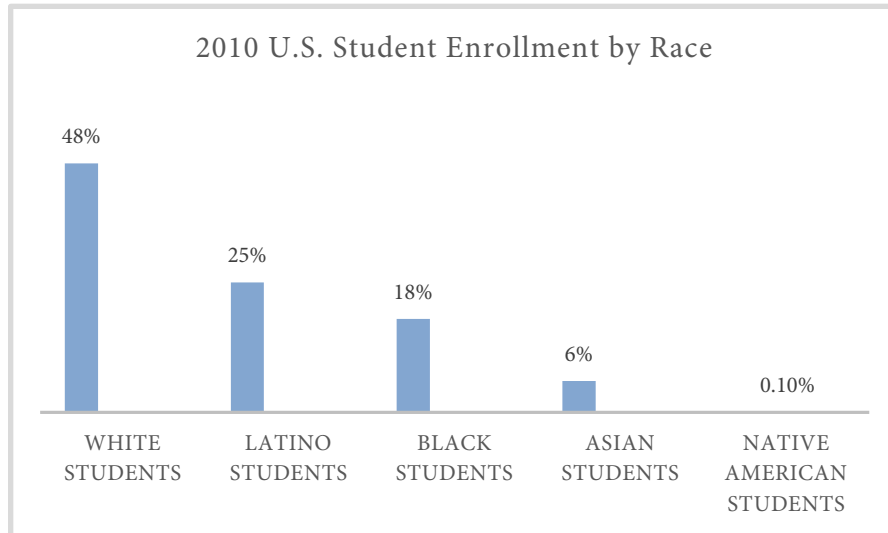
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<sup>13</sup> Erica Frankenberg, *The Role of Residential Segregation in Contemporary School Segregation*, 45 EDUC. & URB. SOC'Y 548, 550 (2013).

<sup>14</sup> U.S. DEPT. OF EDUC., *Enrollment and Percentage Distribution of Enrollment in Public Elementary and Secondary Schools, By Race/Ethnicity and Region: Selected Years, Fall 1995 Through Fall 2025*, in DIGEST OF EDUCATION STATISTICS tbl. 203.50 (2015), [https://nces.ed.gov/programs/digest/d15/tables/dt15\\_203.50.asp](https://nces.ed.gov/programs/digest/d15/tables/dt15_203.50.asp) [<https://perma.cc/G6CM-RRBY>].

<sup>15</sup> *Fast Facts*, NAT'L CTR. EDUC. STAT. (2018), <https://nces.ed.gov/fastfacts/display.asp?id=372> [<https://perma.cc/FUL8-UEAE>].

*Chart 1. 2010 & 2018 U.S. Student Enrollment by Race:*



By contrast, the racial and ethnic composition of teachers has remained fairly static. In the 2015–16 school year, there were an estimated 3,827,100 teachers in public elementary and secondary schools in the United States. About 3,608,600 taught in traditional public schools and about 218,500 taught in charter schools. About 80% of all public school teachers were non-Hispanic white, 9% were Hispanic, 7% were non-

Hispanic Black, and 2% were Asian.<sup>16</sup> These percentages have been approximately the same for the last decade.<sup>17</sup>

The increasing diversity of students has not resulted in increasingly diverse schools. Instead, school segregation has persisted. A study of student enrollment from 1987–2010 found that the exposure of white students to students of color (Black and Latino) dropped significantly across the country (with some variability within districts) and that Latino-Black segregation also increased.<sup>18</sup> The increase in segregation was greatest in the Midwest and lowest in the West.<sup>19</sup>

*Table 1. National Average Disparities Among Schools:*<sup>20</sup>

National average disparities among schools by students' race/ethnicity, nationally and within urban, suburban, and rural zones

	National	Urban	Suburban	Rural
<b>Segregation from whites (D)</b>				
<b>Black</b>	63.0	62.2	54.4	44.4
<b>Hispanic</b>	56.0	56.4	49.7	36.8
<b>Asian</b>	49.6	45.1	45.6	43.0
<b>Native American</b>	56.4	40.7	43.8	59.1
<b>Group isolation</b>				
<b>White</b>	72.8	56.5	74.6	81.8
<b>Black</b>	50.6	58.9	40.7	49.2
<b>Hispanic</b>	57.0	63.9	52.6	43.3
<b>Asian</b>	21.9	28.0	17.7	9.9
<b>Native American</b>	29.6	8.2	16.8	50.3

<sup>16</sup> SOHEYLA TAIE & REBECCA GOLDRING, CHARACTERISTICS OF PUBLIC ELEMENTARY AND SECONDARY SCHOOL TEACHERS IN THE UNITED STATES: RESULTS FROM THE 2015–16 NATIONAL TEACHER AND PRINCIPAL SURVEY (2018), <https://nces.ed.gov/pubs2017/2017072rev.pdf> [<https://perma.cc/D8TD-S56D>]. Note that the Census Bureau treats race and Hispanic origin as two separate variables. Hispanics are persons of any race who identify themselves as having Hispanic origin. The other categories used here include only non-Hispanics. “White” refers to non-Hispanic persons who report only white race. “Black” refers to persons who reported their race as Black alone or in combination with another race. “Asians” refer to persons who reported race as Asian along or in combination with another race, except Black.

<sup>17</sup> EDWARD FERGUS, SOLVING DISPROPORTIONALITY AND ACHIEVING EQUITY, A LEADERS GUIDE TO USING DATA TO CHANGE HEARTS AND MINDS 24 (2017).

<sup>18</sup> PRUDENCE L. CARTER, KEEPIN’ IT REAL: SCHOOL SUCCESS BEYOND BLACK AND WHITE (1st ed. 2005).

<sup>19</sup> *Id.*

<sup>20</sup> John R. Logan & Julia Burdick-Will, *School Segregation and Disparities in Urban, Suburban, and Rural Areas*, 674 ANNALS AM. ACAD. POL. & SOC. SCI. 199 (2017), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5804745/pdf/nihms938640.pdf> [<https://perma.cc/U6T3-VSYP>].



In the schools that are desegregated, academic and disciplinary outcomes may vary significantly by race—often with Black, Latino, and Native American students showing lower achievement levels and higher disciplinary infractions.<sup>21</sup> Indeed, studies show that harsher discipline is a causal factor of academic achievement differences.<sup>22</sup> However, there is variability, and these differences are not always present.<sup>23</sup> Some schools have achieved successful integration—where students are educated with peers of different races and ethnicities.

### B. Residential Segregation Levels

Residential segregation by race and ethnicity varies across the country. Overall, Black-white segregation remains high despite a continuing decline from its 1960s peak.<sup>24</sup> Latinos are less segregated than Blacks in most areas, but there has been no reduction in Latino-white segregation in the last thirty years.

With respect to segregation between Blacks and whites, based upon the “dissimilarity index” in which any value over sixty indicates extreme segregation, census data from 2015 showed that many of the nation’s

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<sup>21</sup> Edward Morris & Brea L. Perry, *The Punishment Gap: School Suspension and Racial Disparities in Achievement*, 63 SOC. PROBS. 68, 70 (2016). Researchers have found different patterns for Latinos and Black students. Some research finds that the punishment of Latino students tends to be less extreme but still occurs at higher rates than of white students. Other research (including that done by Morris and Perry) find that Latinos are not punished at higher rates after controlling for background factors such as free and reduced lunch eligibility. *Id.* (first citing DANIEL J. LOSEN & JONATHAN GILLESPIE, OPPORTUNITIES SUSPENDED: THE DISPARATE IMPACT OF DISCIPLINARY EXCLUSION FROM SCHOOL (2012); then citing Anthony A. Peguero & Zahra Sheharkhar, *Latino/a Student Misbehavior and School Punishment*, 33 HISPANIC J. BEHAV. SCI. 54 (2011)).

<sup>22</sup> Morris & Perry, *supra* note 21 at 82 (“Results support the proposition that school discipline is a major source of the racial achievement gap and educational reproduction of inequality.”) (citing Anne Gregory, Russel J. Skiba & Pedro Noguera, *The Achievement Gap and the Discipline Gap: Two Sides of the Same Coin?*, 39 EDUC. RESEARCHER 59 (2010)).

<sup>23</sup> Daniel J. Losen et al., *Disturbing Inequities: Exploring the Relationship Between Racial Disparities in Special Education Identification and Discipline*, 5 J. APPLIED RES. ON CHILDREN: INFORMING POL’Y FOR CHILDREN RISK 1 (2014), <https://digitalcommons.library.tmc.edu/cgi/viewcontent.cgi?article=1224&context=childrenatrisk> [<https://perma.cc/26U9-8DUB>] (describing significant differences between schools on disciplinary practices and their link to race and ethnicity).

<sup>24</sup> John R. Logan, *Separate and Unequal: Residential Segregation*, FED. RESERVE BANK BOSTON (2016), <https://www.bostonfed.org/publications/communities-and-banking/2016/winter/separate-and-unequal-residential-segregation.aspx> [<https://perma.cc/3TCR-4ZHD>].

large metropolitan areas outside the South, especially in the slow-growing industrial Midwest and Northeast, have levels above seventy, with Milwaukee the most extreme at eighty-one, followed by New York, Chicago, Detroit, Cleveland, and Buffalo.<sup>25</sup> However, Atlanta, Dallas, and Austin show levels below sixty and Las Vegas registers the lowest level at just forty. In addition, several of the high segregation areas have shown declines since 2000, including a renewed Black suburbanization, which led residents to more integrated suburbs.<sup>26</sup>

The link between school and residential segregation seems straightforward. As Erica Frankenberg states:

Typically, the relationship between school and residential segregation is thought of as residential segregation trends influence school composition, and therefore school segregation, because students are drawn from the area near to a school, particularly in very small districts or larger districts with a neighborhood schools assignment policy.<sup>27</sup>

However, the research examining the relationship between residential and schooling segregation is not as robust as one would expect.<sup>28</sup> Not surprisingly though, as Frankenberg examines, the extant research does show a strong relationship both in the South where much of the research has been done and in other parts of the country. An early study in the 1960s found that the extremely high residential segregation in thirteen cities was almost identical to the segregation of elementary school students.<sup>29</sup> A later work examining more than sixty cities in both the North and the South found a strong relationship between residential segregation in 1960 and elementary school segregation seven years later.<sup>30</sup>

Frankenberg's study examines residential and school segregation in elementary schools at the metropolitan level using data available since 2000. The table below shows the segregation levels for Black, white, and

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<sup>25</sup> William H. Frey, *Census Shows Modest Decline in Black-White Segregation*, BROOKINGS INST. (Dec. 8, 2015), <https://www.brookings.edu/blog/the-avenue/2015/12/08/census-shows-modest-declines-in-black-white-segregation> [<https://perma.cc/J39B-4NYM>].

<sup>26</sup> *Id.*

<sup>27</sup> Frankenberg, *supra* note 13, at 550.

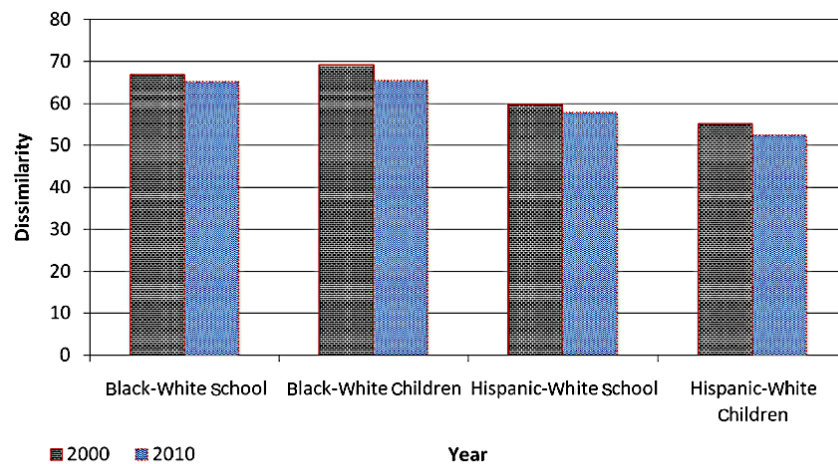
<sup>28</sup> *Id.* at 551.

<sup>29</sup> *Id.* (citing Reynolds Farley & Karl E. Tauber, *Population Trends and Residential Segregation Since 1960*, 159 SCI. 953 (1968)).

<sup>30</sup> *Id.* (citing Reynolds Farley & Alma F. Taeuber, *Racial Segregation in the Public Schools*, 79 AM. J. SOC. 888 (1974)).

Latino children both in schools and at home. These levels are based upon the above mentioned “dissimilarity index.” The table shows that Black children are likely to be extremely segregated at both school and at home, while Latino children are slightly below the extreme segregation levels. White children are thus extremely segregated from Black children, and slightly less so from Latino children.

*Chart 2. Frankenberg Dissimilarity Index:*



Perhaps surprising to some, the segregation levels are lower in the South than in the rest of the country.

*Table 2. Mean MSA Racial Dissimilarity in Schools and Neighborhoods:*

**Table 2.** Mean MSA Racial Dissimilarity in Schools and Neighborhoods, Southern MSAs, and Non-Southern MSAs, 2000 and 2010.

	South		Non-South	
	2000	2010	2000	2010
Black–White school	58.40	59.36	72.42	69.97
Black–White children (residential)	61.76	59.42	74.44	70.33
Hispanic–White school	55.45	53.64	61.38	59.82
Hispanic–White children (residential)	49.41	47.53	57.29	54.67

Note: MSA = Metropolitan Statistical Areas. Weighted by target population in MSA.

Frankenberg found particularly strong correlations between residential and educational segregation outside of the South and found that for Black students, the strength of the relationship *increased* in the last decade.<sup>31</sup>

Frankenberg's study focused on the relationship between residential segregation and educational segregation; the degree of correlation between them. It did not, however, assess the consequences of the combination of residential and educational segregation on students and families. This issue also suffers from a paucity of empirical research.<sup>32</sup>

Of those empirical studies that address the question of how segregation—residential, educational, or both—affects educational outcomes, the vast majority of studies use simple variables such as graduation rates to determine who benefits or is harmed by segregation.<sup>33</sup> Virtually all studies using traditional measures of benefit or harm—graduation rates, test scores, college attendance—have shown that increased segregation has negative consequences for disempowered groups by race, ethnicity, or income. Integration has positive consequences for these same groups.<sup>34</sup> The research tends to show little effect either way for advantaged groups by race, ethnicity, or poverty levels.<sup>35</sup> In other words, affluent white students' graduation rates, test

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<sup>31</sup> *Id.* at 559.

<sup>32</sup> Lincoln Quillian, *Does Segregation Create Winners and Losers? Segregation and Inequality in Educational Attainment*, 61 SOC. PROBS. 402 (2014).

<sup>33</sup> *Id.*

<sup>34</sup> Erica Frankenberg, *Assessing the Status of School Desegregation Sixty Years After Brown*, 2014 MICH. ST. L. REV. 677, 691 (2014); see generally NAT'L ACAD. OF SCIS., EXPANDING UNDERREPRESENTED MINORITY PARTICIPATION: AMERICA'S SCIENCE AND TECHNOLOGY TALENT AT THE CROSSROADS 19 (2010); Roslyn Arlin Mickelson & Martha Bottia, *Integrated Education and Mathematics Outcomes: A Synthesis of Social Science Research*, 88 N.C. L. REV. 993 (2010); Janet Ward Schofield, *Review of Research on School Desegregation's Impact on Elementary and Secondary School Students*, in HANDBOOK OF RES. ON MULTICULTURAL EDUC. 597 (James A. Banks & Cherry A. McGee Banks eds., 1995).

<sup>35</sup> A small number of studies have shown positive effects of segregation for advantaged groups. For example, in 2006, Gordon and Monastiriotis conducted a "study of segregation effects on school exam passing rates and university entrance in England and Wales," in which "[t]hey found segregation increased inequality in educational outcomes in a region and was associated with increased attainment among high achieving students. They used a measure of segregation that combines segregation on race/ethnicity, social class, and unemployment rates, and thus they were not able to distinguish effects of these types of segregation." Quillian, *supra* note 32, at 420. Quillian notes that this study "lacked individual control variables because it used only aggregated data on school passing rates," and of course, that its context was outside

scores, and college attendance tend to remain stable whether they are in segregated or integrated schools.<sup>36</sup>

I would argue, however, that the metrics used are too limited. Graduation rates and test scores are a floor, rather than a ceiling, for the role of public education in our society. The research below shows that integrated schools and neighborhoods would bring significant benefits to students and families of all races and ethnicities, and, as earlier empirical studies have shown, without any downsides for the traditional metrics of graduation rates and test scores.

### 1. Integration Has the Potential to Enhance Rigor

Integration is generally understood as important for achieving equality. Social science research suggests that integrated classrooms also have the potential to enhance innovation and rigor.

Currently, a significant percentage of students are educated in racially and ethnically homogenous schools. The effect of integration would be for these schools—and critically, the classrooms within schools—to instead be racially and ethnically diverse. Diversity has been shown to play a critical role in spurring innovation and rigorous thinking. As a result, integrated schools have the potential to benefit all students' education.

Indeed, this research is an important counterweight to the assumption that students are best served in schools or classrooms with similar test scores or achievement levels. Studies have shown that “diverse groups typically outperform an individual of extraordinary ability or even homogenous groups of the best and brightest.”<sup>37</sup> Teams with diverse backgrounds and ways of viewing the world outperform groups of people who have similar backgrounds and perspectives, even

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of the United States. *Id.* Susan Mayer, in another study, also “found both that educational attainment of low-income persons decreased, and of high-income increased, with greater segregation.” *Id.* However, critiques of this study are that Mayer “divided between high-income and low-income at median income rather than using the poverty line, and Mayer calculated segregation measures over entire U.S. states.” *Id.*

<sup>36</sup> *Id.* at 416.

<sup>37</sup> THOMAS J. EPENSHADE & ALEXANDRIA WALTON RADFORD, NO LONGER SEPARATE, NOT YET EQUAL 406 (2009). As the National Academies have found, diversity strengthens innovation by “increasing the number of perspectives and the range of knowledge brought to bear” on an issue. NAT'L ACAD. OF SCIS., *supra* note 34, at 19.

when the latter group is composed of those deemed to be the best individual performers.<sup>38</sup>

The benefits of diversity include the conventionally recognized outcome that people from diverse backgrounds may contribute distinct viewpoints as a result of different life experiences, and an additional benefit that touches each student is that diverse groups trigger each individual within the group to engage more rigorously with information.<sup>39</sup> Individuals within a diverse group are more likely to learn to utilize “integrative complexity”—referring to the differentiation and integration of multiple perspectives and dimensions.<sup>40</sup> In homogenous groups, individuals are more likely to default to simple reasoning, using a single dimension (e.g., good or bad). They may also tend to engage in “group think” based upon perceived cohesiveness.<sup>41</sup>

By contrast, racially diverse groups have been found to be more fact-based. For example, researchers found that racially diverse juries deliberated longer, considered a wider range of information, and made fewer inaccurate statements when discussing the trial of a Black defendant than did all-white juries.<sup>42</sup> These effects were not a result of distinct perspectives offered by Black jury members; instead, participants contributed more factual information to deliberations and made fewer errors discussing the case as compared to all-white juries, which supports the conclusion that racial heterogeneity leads to more thorough information processing.<sup>43</sup>

Desegregation of schools will not always further these benefits. Too frequently, the schools that are ostensibly racially and ethnically diverse retain policies and practices, such as tracking, that lead to in-school

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<sup>38</sup> See SCOTT E. PAGE, *THE DIFFERENCE: HOW THE POWER OF DIVERSITY CREATES BETTER GROUPS, FIRMS, SCHOOLS, AND SOCIETIES* (2007).

<sup>39</sup> Anthony Lising Antonio et al., *Effects of Racial Diversity on Complex Thinking in College Students*, 15 *PSYCHOL. SCI.* 507 (2004).

<sup>40</sup> See Peter Suedfeld, Philip E. Tetlock & Siegfried Streufert, *Conceptual/Integrative Complexity*, in *MOTIVATION & PERSONALITY: HANDBOOK OF THEMATIC CONTENT ANALYSIS* 393 (Charles P. Smith ed., 1992).

<sup>41</sup> Antonio et al., *supra* note 39, at 507.

<sup>42</sup> Samuel R. Sommers, *On Racial Diversity and Group Decision Making: Identifying Multiple Effects of Racial Composition on Jury Deliberations*, 90 *J. PERSONALITY & SOC. PSYCHOL.* 597, 606 (2006).

<sup>43</sup> *Id.*

segregation.<sup>44</sup> For example, evaluating the sorting students within three large school districts, researchers found that low-income students of color were more likely to be separated from their more affluent and white peers and assigned novice teachers.<sup>45</sup> In such schools, informal interactions between students of different races and ethnicity are less likely to occur.<sup>46</sup> Even in schools where students are in classes together, the climate of the school may either enhance or inhibit the rigor effects of diversity.

School climate is likely to be affected by whether or not students are also living in integrated neighborhoods or instead, whether students are coming to school from segregated neighborhoods. An additional factor according to researchers is the racial diversity of teachers, as well as whether teachers grew up in or are currently living in integrated neighborhoods.<sup>47</sup>

## 2. Relationships

The quality of inter-group relationships—among peer, teacher, and student—matters in achieving educational outcomes. For example, researchers have found that a significant factor in the success of immigrant students are relationships with knowledgeable peers who can

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<sup>44</sup> Carter, *supra* note 18 (citing studies explaining that students of color are less likely to be placed in high ability classes. Researchers found that 32% of white eighth graders were in teacher-designated high ability classes but only 16% of each Hispanic and Black eighth graders were in such classes. Disadvantaged students are more likely to be tracked into classes with lower expectations, which negatively impacts their long-term opportunities. Tracking into low-expectation classes limits Blacks and Hispanics to accessing classes with more advanced content and skill development. Furthermore, Black-white segregation occurs within individual schools, with “white students are more likely to participate in ‘high track’ courses.”) (internal citations omitted); see also David Card & Jesse Rothstein, *Racial Segregation and the Black-White Test Score Gap*, 91 J. PUB. ECON. 2158 (2007).

<sup>45</sup> Demetra Kalogrides, Susanna Loeb & Tara Bêteille, *Systematic Sorting: Teacher Characteristics and Class Assignments*, 86 SOC. EDUC. 103 (2012), <http://www.asanet.org/sites/default/files/savvy/journals/soe/Apr13SOEFeature.pdf> [<https://perma.cc/N7MT-PG4C>].

<sup>46</sup> See, e.g., Wells, *supra* note 11 (citing Jeannie Oakes et al., *Detracking: The Social Construction of Ability, Cultural Politics, and Resistance to Reform*, 98 TCHR’S C. REC. 482 (1997)).

<sup>47</sup> EDWARD FERGUS, SOLVING DISPROPORTIONALITY AND ACHIEVING EQUITY: A LEADER’S GUIDE TO USING DATA TO CHANGE HEARTS AND MINDS (2016).

help navigate educational systems.<sup>48</sup> A recent study found that white teachers who have friends of different races and ethnicities are most comfortable engaging with students of color.<sup>49</sup>

The educational benefits of integration in schools may be undermined when students and teachers live in racially and ethnically segregated neighborhoods. Studies have found a link between the quality of the informal interactions with diverse peers and analytical problem-solving and complex thinking skills.<sup>50</sup> When students experience segregation at home, the challenges of creating positive information interactions between peers are greater.<sup>51</sup>

As a result, even if students attend desegregated schools in their early years, which many laud as achieving psychological benefits such as preventing the formation of prejudice and reducing stereotypes,<sup>52</sup> these positive benefits may fade in the absence of residential integration.

#### a. Impact of Residential Segregation

The premise that integrated neighborhoods will enhance the likelihood of success of integration within schools is linked to the presumption that residential integration will create more positive relationships for both adults and children. Xavier DeSouza Briggs, for example, found that neighborhood-level residential integration is associated with a higher incidence of friendships with both Blacks and Latinos among Anglos and of friendships with Anglos among Blacks.<sup>53</sup>

However, when residential segregation is present, the positive benefits of school diversity are often deeply undermined. A powerful account of this phenomenon is documented by sociologist Mary Barr in

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<sup>48</sup> Carola Suárez-Orozco et al., *The Significance of Relationships: Academic Engagement and Achievement Among Newcomer Immigrant Youth*, 111 TCHR'S C. REC. 712 (2009).

<sup>49</sup> Linda R. Tropp, *How White Teachers Navigate Racial Diversity in Their Classrooms: The Roles of Contact and Racial Anxiety* (June 2017) (unpublished manuscript).

<sup>50</sup> Nicholas A. Bowman, *College Diversity Experiences and Cognitive Development: A Meta-Analysis*, 80 REV. EDUC. RES. 4, 20 (2010) (meta-analysis examining twenty-three higher education studies and concluding that college diversity experiences are positively related to cognitive development).

<sup>51</sup> See *infra* notes 55–60.

<sup>52</sup> Frankenberg, *supra* note 13.

<sup>53</sup> Xavier DeSouza Briggs, "Some of My Best Friends Are . . .": *Interracial Friendships, Class, and Segregation in America*, 6 CITY & COMMUNITY 263 (2007).



*Friends Disappear: The Battle for Racial Equality in Evanston*.<sup>54</sup> This book was inspired by Barr's discovery of a 1974 snapshot of herself and a dozen friends—a mix of white girls and Black boys at the end of eighth grade. Barr suggests that the absence of white boys was due to their involvement in extracurricular activities, while the Black girls were too busy with domestic work. While the image suggests the success of integration at a particular moment in time, the book portrays a different reality rooted in residential segregation.<sup>55</sup>

Even though Evanston High School was considered desegregated, Jeffrey Helgeson's review of Barr's book concludes, "Tragically, the integration these kids had enjoyed in elementary and middle school vanished nearly overnight in high school as school tracking, geographically defined school placement, and even the lack of a universal school lunch program destroyed hard-won friendships."<sup>56</sup> In other words, the continued residential segregation in Evanston—along with other school practices and policies—undermined the relationships experienced by students.

The challenges of cross-racial relationships may also occur in earlier grades. In a study of third grade classrooms, researchers found that African American children were more segregated in their friendships and were more disliked by their cross-group peers than white students.<sup>57</sup>

The synergistic positive effects of the combination of residential and educational integration have been shown by the educational achievement of students attending Department of Defense (DoD) schools overseas.<sup>58</sup> Leslie Hinkson found that the children of active duty military personnel who attend DoD schools on military bases routinely

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<sup>54</sup> MARY BARR, *FRIENDS DISAPPEAR: THE BATTLE FOR RACIAL EQUALITY IN EVANSTON* (2014).

<sup>55</sup> See generally *id.*

<sup>56</sup> Jeffrey Helgeson, *Friends Disappear: The Battle for Racial Equality in Evanston*, 102 J. AM. HIST. 942, 943 (2015) (reviewing BARR, *supra* note 54).

<sup>57</sup> See Travis M. Wilson & Philip C. Rodkin, *Children's Cross-Ethnic Relationships in Elementary Schools: Concurrent and Prospective Associations Between Ethnic Segregation and Social Status*, 84 CHILD DEV. 1081 (2012); see also Travis Wilson & Phillip C. Rodkin, *African American and European American Children in Diverse Elementary Classrooms: Social Integration, Social Status, and Social Behavior*, 82 CHILD DEV. 1454 (2011).

<sup>58</sup> See Leslie Hinkson, *Schools of the Nation: Department of Defense Schools and the Black-White Test Score Gap* (Sept. 2007) (unpublished Ph.D dissertation, Princeton University) (on file with Mudd Library, Princeton University).

outperform the majority of their civilian counterparts. Overall, students' test score averages at these schools is higher than forty-nine of the fifty states, and the Black-white test score gap is significantly below the gap found in the civilian population.<sup>59</sup>

Hinkson ascribes the successes as related to factors other than simply school quality. Specifically, Hinkson found evidence suggesting that overseas families are more likely than their domestic counterparts to be more racially integrated within the military community as a whole than their domestic counterparts.<sup>60</sup> The military overseas created an environment in which social networks among parents are apt to be stronger:

by ending residential segregation and integrating schools well before the rest of the nation, and ensuring neighborhoods and schools that served their members remained integrated, the[y] created an environment in which the gains made by military parents could transfer to their children.<sup>61</sup>

In addition to social networks, the climate in both schools and neighborhoods inculcated a level of confidence in promotion by ability which, as research shows below, likely created a context in which students were not as burdened by racial stereotypes and the educational effects of those stereotypes.

b. Role of School Leaders and Teachers: Residential Segregation and School Climate

*As a Black student in public schools, I had a white art teacher give me a failing grade on an essay project because, as he explained to me, "graffiti isn't art." I was kicked out of classrooms for "having an attitude," rolling my eyes, playing with my braids, or wearing a gang-related shirt (it was FUBU). Once, I was kicked out of class for telling (and attempting to show) an incredulous math teacher that I already knew how to do the work he was condescendingly explaining . . . again.<sup>62</sup>*

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<sup>59</sup> See *id.* at 174.

<sup>60</sup> See *id.* at 179.

<sup>61</sup> *Id.* at 182.

<sup>62</sup> Crystal Paul, *10 Books I Wish My White Teachers Had Read*, BUSTLE (Apr. 11, 2016), <https://www.bustle.com/articles/153390-10-books-i-wish-my-white-teachers-had-read> [<https://perma.cc/PL28-URPY>].

A high percentage of public schools are led by white principals and comprised primarily of white teachers. Like the rest of the country, most of these principals and teachers are likely to have grown up in and continue to live in predominantly white neighborhoods which exacerbate the risk that a school's climate will not be conducive to students of color. Edward Fergus explains that Black and Latino students are frequently taught by teachers who are predominantly white and female, who have had "limited lived experience of societal integration."<sup>63</sup> The concern is that their limited social interaction will have harmful effects on deeply consequential decision-making in educational programs like special education and gifted programs, and disciplinary outcomes.

White teachers are not necessarily harmful to students of color. As the author of the quote at the beginning of this Section described:

But I've had amazing white teachers, too. I've had white teachers who came to my birthday parties, even though I lived in "the hood." White teachers who encouraged me to explore topics about my culture within the curriculum. White teachers who didn't treat me like a unicorn for solving a math problem.<sup>64</sup>

Fergus attributes the greatest risk for students of color to be a combination of three phenomena: (1) colorblindness, (2) deficit thinking, and (3) poverty disciplining.<sup>65</sup>

"Colorblindness" refers to the belief that the most effective way to end racism is to ignore social and group identities and instead to seek to treat individuals without regard to those identities.<sup>66</sup> While some consider this aspirational, it has been shown to lead to the rationalization of racial and ethnic inequalities as resulting from the failures or inadequacies of individuals without recognizing the structural obstacles linked to race and ethnicity. For example, as Bonilla-Silva has argued, "this ideology is used to make assertion[s] such as, 'Latinos' high poverty rate [is due] to a relaxed work ethic, or residential

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<sup>63</sup> Edward Fergus, *The Integration Project Among White Teachers and Racial/Ethnic Minority Youth: Understanding Bias in School Practice*, 56 *THEORY INTO PRACTICE* 169, 170 (2017).

<sup>64</sup> Paul, *supra* note 62.

<sup>65</sup> EDWARD FERGUS, *SOLVING DISPROPORTIONALITY AND ACHIEVING EQUITY: A LEADER'S GUIDE TO USING DATA TO CHANGE HEARTS AND MINDS* 176 (2017).

<sup>66</sup> Fergus, *supra* note 63, at 171–72.

segregation as due to natural tendencies among groups.”<sup>67</sup> Teachers may feel particularly wed to colorblindness because of the feeling they may have that they see children as children, not as members of particular groups. As noted below, however, those who consciously believe they do not see race and ethnicity may actually be more at risk of acting according to stereotypes and attitudes linked to group identity.

Directly contrary to self-proclaimed colorblindness, but often simultaneously present, is the phenomenon of deficit thinking, which has been defined as an ideology that explains academic performance differences and disciplinary outcomes “as a result of deficiencies within an individual and group.”<sup>68</sup> Like colorblindness, this ideology ignores systemic inequalities—but unlike colorblindness, a deficit ideology attributes outcomes to group-based differences. Valencia explains that three distinct “paradigms of thought” underlie deficit thinking: “(a) a genetic pathology model, (b) a culture of poverty model, and (c) a marginalization of low-income and students of color model.”<sup>69</sup>

Most people reject the notion that biology or genetic traits underlie racial or ethnic inferiority; however, the “culture of poverty” notion continues to be utilized even by those who would consider themselves “not racist.” This type of thinking links particular groups, (specifically Blacks and Latinos) with a set of “cultural deficiencies includ[ing] limited attitudes and outlooks of the future, failure to internalize work value ethics, instant gratification behavior, lack of parent involvement in schools, low intellectual abilities, emphasis on masculinity and honor, and an aversion to honest work,” which seek to explain cultural attributes and educational attainment.<sup>70</sup> Sometimes, the idea of a culture of poverty is used to distinguish between those of a particular racial or ethnic group who have attained middle class and commensurate educational status from those of the same group who have not, including by the same-group members.<sup>71</sup>

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<sup>67</sup> *Id.* at 172.

<sup>68</sup> *Id.* (citing RICHARD R. VALENCIA, *DISMANTLING CONTEMPORARY DEFICIT THINKING: EDUCATIONAL THOUGHT AND PRACTICE* (2010)).

<sup>69</sup> *Id.*

<sup>70</sup> *Id.* at 173.

<sup>71</sup> *See, e.g.*, WILLIAM JULIUS WILSON, *MORE THAN JUST RACE* (2009) (also challenging the systemic racism and structural causes of concentrated poverty and contending that institutional change will provide opportunities for people currently enmeshed in poverty).

Following from deficit thinking is the idea that a certain form of discipline is the most effective way to change behavior associated with the perceived deficits.<sup>72</sup> “Poverty disciplining” in the context of education, for example, has required students “to earn their desks, teachers, and other school activities,”<sup>73</sup> to have restrictions on dress and hair, to be silent in the hallways, and other demands that would never be tolerated in a suburban school.

Fergus notes that racial discomfort and lack of self-efficacy among teachers and school leaders can exacerbate the harms of these phenomena.<sup>74</sup> As a result, while teachers of color and white teachers who live in integrated neighborhoods are unlikely to be entirely immune from these dynamics, white teachers and principals who have little experience with people of other races and ethnicities outside of the school context may be particularly vulnerable to them.

In the next Part, I argue that underlying colorblindness, deficit thinking, and poverty discipline are a set of social psychological phenomena that research shows are at the root of school climates that underserve students of color both in segregated and many desegregated schools. Successful integration will require that school leaders, teachers, as well as families and students, work to address the interplay of these dynamics for true integration to occur.

## II. THE ROLE OF IMPLICIT BIAS, RACIAL ANXIETY, AND STEREOTYPE THREAT IN SCHOOLS

The idea that educators may treat students differently based upon race or ethnicity can be painful—for all involved. People who become educators obviously have a range of motivations, but frequently, they are intrinsically motivated by kids, making a difference, and fostering learning.<sup>75</sup> Even so, as with the rest of us, psychology and cognitive science have revealed that even people who see themselves as egalitarian

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<sup>72</sup> Fergus, *supra* note 63, at 173 (citing JOE SOSS ET AL., *DISCIPLINING THE POOR: NEOLIBERAL PATERNALISM AND THE PERSISTENT POWER OF RACE* (2011)).

<sup>73</sup> FERGUS, *SOLVING DISPROPORTIONALITY*, *supra* note 65.

<sup>74</sup> *Id.*

<sup>75</sup> Shane McFeely & Ben Wigert, *Money Might End the Strike, But It Doesn't Motivate Teachers*, GALLUP (Apr. 30, 2018), <https://news.gallup.com/opinion/gallup/233441/money-end-strike-doesn-motivate-teachers.aspx> [<https://perma.cc/52NU-H3XH>].

are subject to implicit biases linked to social identity categories such as race, ethnicity, and gender. Teacher biases can affect their decisions and behaviors—which can be apparent to students who are often aware that they are being treated differently. Students who are concerned about being treated differently can become anxious when interacting with teachers—racial anxiety—and sadly, the tension between the ideals of fairness and actual behaviors leads to teacher anxiety in inter-group interaction as well. And when students’ race or ethnicity feels salient in the environment, concerns about confirming negative stereotypes about their identity group can become “stereotype threat,” undermining academic achievement and otherwise leading to disengagement. Thus, the combination of these three phenomena within schools can create significant obstacles to students of color unless they are successfully addressed.

#### A. *Implicit Bias*

While some educators may have conscious beliefs about students linked to their race or ethnicity, for many, their overriding sense is that they see children as children. In other words, the default belief is likely to be that they are “colorblind.” However, the research is overwhelming that we all are subject to implicit biases<sup>76</sup>—the automatic association of certain stereotypes and attitudes with different identity characteristics.<sup>77</sup> The reason teachers may believe themselves colorblind is that these reactions take place at the unconscious or implicit level and are often contrary to our conscious values and beliefs.<sup>78</sup> These biases are not individual—they flow from the stereotypes and attitudes that people in this country are exposed to in our culture.<sup>79</sup>

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<sup>76</sup> Implicit bias has become broadly recognized, including by the Supreme Court in recent decisions. *Cf. Tex. Dep’t of Hous. & Cmty. Affairs v. Inclusive Cmty. Project, Inc.*, 135 S. Ct. 2507, 2522 (2015) (acknowledging the value of disparate impact analysis in “uncovering” and “counteract[ing] unconscious prejudices”).

<sup>77</sup> Greenwald et al., *infra* note 82.

<sup>78</sup> *Id.*

<sup>79</sup> *See* 1 RACHEL D. GODSIL, LINDA R. TROPP, PHILLIP ATIBA GOFF & JOHN A. POWELL, *THE SCIENCE OF EQUALITY: ADDRESSING IMPLICIT BIAS, RACIAL ANXIETY, AND STEREOTYPE THREAT IN EDUCATION AND HEALTH CARE* 22 (2014).

The idea of implicit bias has become popularized in the last decade largely through the implicit association test (IAT).<sup>80</sup> The IAT was designed to measure automatically activated associations and attitudes with an easily accessible computer task.<sup>81</sup> It has been successful in predicting behavioral, judgmental, and physiological outcomes<sup>82</sup> in domains including prejudice and stereotyping.<sup>83</sup> While there are methodological critiques of the IAT,<sup>84</sup> and it is clearly not intended to measure individual levels of bias with precision, it is valuable as a method of assessing large data sets as well as for individuals seeking some insight into possible vulnerabilities to bias.<sup>85</sup>

Teachers are not immune. Using the IAT as a metric, a study of 302 elementary school teachers found that 96% of the teachers preferred white students to their Black peers.<sup>86</sup> These dynamics occur as early as preschool. A study of preschool teachers employing eye-tracking technology showed that teachers were more likely to fix attention on Black children regardless of gender.<sup>87</sup> “[W]hen teachers were asked explicitly which of the children required most of their attention, 42% indicated that the Black boy required the most of their attention, followed by 34% (White boy), 13% (White girl), and 10% (Black girl).”<sup>88</sup> The findings of this study may seem to contradict the data showing that Black girls are six times more likely to be suspended as compared to white girls, but as described below, research suggests that teachers are

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<sup>80</sup> B. Keith Payne, Heidi A. Vuletich & Kristjen B. Lundberg, *The Bias of Crowds: How Implicit Bias Bridges Personal and Systemic Prejudice*, 28 PSYCHOL. INQUIRY 233 (2017).

<sup>81</sup> See PROJECT IMPLICIT, <https://implicit.harvard.edu/implicit> (last visited Dec. 8, 2018).

<sup>82</sup> See Anthony G. Greenwald et al., *Understanding and Using the Implicit Association Test: III. Meta-Analysis of Predictive Validity*, 97 J. PERSONALITY & SOC. PSYCHOL. 17 (2009).

<sup>83</sup> Jimmy Calanchini et al., *Attitudinal and Non-Attitudinal Components of IAT Performance*, 40 PERSONALITY & SOC. PSYCHOL. BULL. 1285 (2014).

<sup>84</sup> Olivia Goldhill, *The World is Relying on a Flawed Psychological Test to Fight Racism*, QUARTZ (Dec. 3, 2017), <https://qz.com/1144504/the-world-is-relying-on-a-flawed-psychological-test-to-fight-racism> [<https://perma.cc/U8GZ-3A2G>].

<sup>85</sup> Payne et al., *supra* note 80, at 234–38.

<sup>86</sup> Patricia Clark & Eva Zygmunt, *A Close Encounter with Personal Bias: Pedagogical Implications for Teacher Education*, 83 J. NEGRO EDUC. 147, 149–51 (2014).

<sup>87</sup> Walter S. Gilliam et al., *Do Early Educators’ Implicit Biases Regarding Sex and Race Relate to Behavior Expectations and Recommendations of Preschool Expulsions and Suspensions*, YALE U. CHILD STUDY CTR. 2, 7 (2016).

<sup>88</sup> *Id.*

apt to judge students of color far more harshly for second infractions even if they are able to treat students similarly for first infractions.<sup>89</sup>

In a meta-analysis of studies assessing whether teacher expectations differ according to race or ethnicity, Harriet Tenenbaum and Martin Ruck found that on average, teachers hold a small but statistically significant higher level of academic expectation for Asian American students than for white students, and a small but statistically significant higher level of academic expectation for white students as compared to Black and Latino students.<sup>90</sup> A recent study also shows that Black students are half as likely as white students to be assigned to “gifted” programs.<sup>91</sup> In the context of early child education, Tuppert Yates and Ana Marcelo found that teachers rate Black students who show imaginative play and negative affect in play as less well-adjusted compared to otherwise similar non-Black children.<sup>92</sup>

Implicit bias can also affect teachers’ classroom behavior. Tenenbaum and Ruck’s research reveals that teachers tend to ask more questions of, and give more encouragement to, white students, compared to students of color.<sup>93</sup> Similarly, David and Myra Sadker and Karen Zittleman concluded that “teachers interact more frequently with male students than female students, including asking them more questions and giving them more precise feedback.”<sup>94</sup>

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<sup>89</sup> KIMBERLÉ WILLIAMS CRENSHAW, BLACK GIRLS MATTER: PUSHED OUT, OVERPOLICED AND UNDERPROTECTED (2016), [http://static1.squarespace.com/static/53f20d90e4b0b80451158d8c/t/54d23be0e4b0bb6a8002fb97/1423064032396/BlackGirlsMatter\\_Report.pdf](http://static1.squarespace.com/static/53f20d90e4b0b80451158d8c/t/54d23be0e4b0bb6a8002fb97/1423064032396/BlackGirlsMatter_Report.pdf) [https://perma.cc/74QN-S3RZ] (showing that Black girls are six times more likely to be suspended as compared to white girls).

<sup>90</sup> Harriet R. Tenenbaum & Martin D. Ruck, *Are Teachers’ Expectations Different for Racial Minority Than for European American Students? A Meta-Analysis*, 99 J. EDUC. PSYCHOL. 253 (2007).

<sup>91</sup> Jason A. Grissom & Christopher Redding, *Discretion and Disproportionality: Explaining the Underrepresentation of High-Achieving Students of Color in Gifted Programs*, 2 AERA OPEN 1 (2016).

<sup>92</sup> Tuppert M. Yates & Ana K. Marcelo, *Through Race-Colored Glasses: Preschoolers’ Pretend Play and Teachers’ Ratings of Preschooler Adjustment*, 29 EARLY CHILDHOOD RES. Q. 1 (2014); see Diana Westerberg, *Understanding and Dealing with Implicit Bias and Discipline in Early Care and Education*, 32 BROWN UNIV. CHILD & ADOLESCENT BEHAV. LETTER 1 (2016).

<sup>93</sup> Tenenbaum & Ruck, *supra* note 90.

<sup>94</sup> DAVID SADKER, MYRA P. SADKER & KAREN R. ZITTELMAN, STILL FAILING AT FAIRNESS: HOW GENDER BIAS CHEATS GIRLS AND BOYS IN SCHOOL AND WHAT WE CAN DO ABOUT IT 5 (2009).



Because of the dramatic disparities in discipline, particularly in contexts involving ambiguous behavior, researchers have focused significant attention on the role bias and stereotyping may play in this context. In a series of experiments, Jason Okonofua and Jennifer Eberhardt found that teachers are more likely to label misbehaving Black students as “troublemakers” than misbehaving white students.<sup>95</sup> They also found that in responding to scenarios, teachers rate Black and white students similarly for a first infraction, but when Black students misbehave two times, teachers are more likely to label students as “troublemakers,” consider the misbehavior a pattern, and imagine using suspension as a disciplinary response.<sup>96</sup>

Gender differences by race can also be significant. In a study of school discipline data from 1,666 elementary schools and 483,686 office discipline referrals, researchers found significant effects and intersection of race and gender disciplinary outcomes—across time of day, within classrooms, and minor or major referrals.<sup>97</sup> Most notably, they found the greatest disparities between treatment of Black and white female students.<sup>98</sup>

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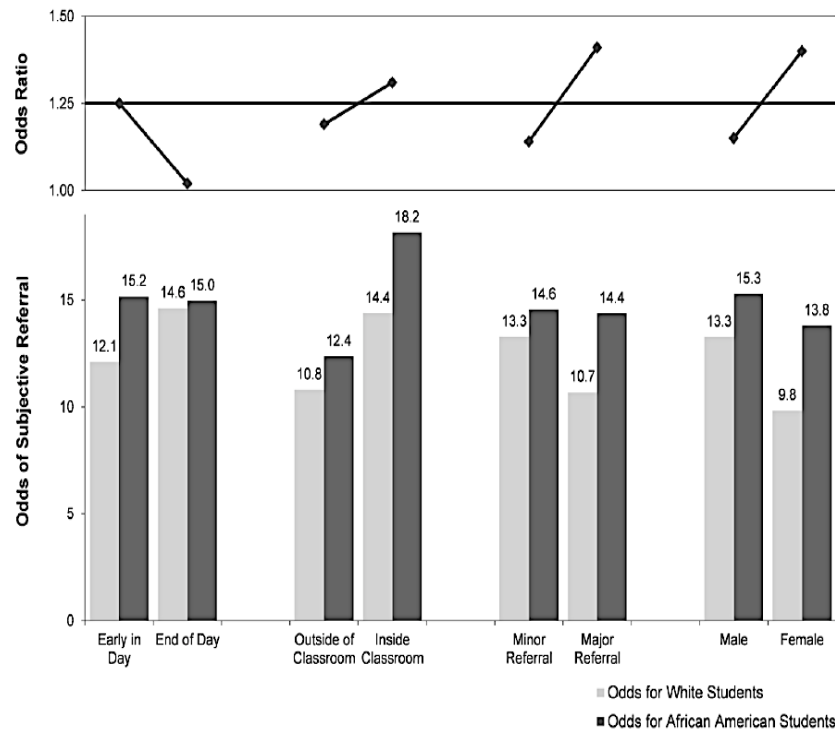
<sup>95</sup> Jason A. Okonofua & Jennifer L. Eberhardt, *Two Strikes: Race and the Disciplining of Young Students*, 26 *PSYCHOL. SCI.* 1, 2(2015).

<sup>96</sup> *Id.*

<sup>97</sup> Keith Smolkowski et al., *Vulnerable Decision Points for Disproportionate Office Discipline Referrals: Comparisons of Discipline for African American and White Elementary School Students*, 41 *BEHAV. DISORDERS* 178 (2016).

<sup>98</sup> *Id.* at 184.

Chart 3. Odds of Subjective Referral:



Implicit biases held by white students against Black and Latino students may create impediments to cross-racial understanding. When schools utilize tracking or gifted and talented programs, frequently the more challenging academic tracks are predominantly white and Asian American, contributing to implicit biases rooted in stereotypes about intellectual ability.<sup>99</sup>

Studies of implicit bias in K–12 education are nascent, so it can also be useful to assess analogies to education from other contexts. Both laboratory and field studies provide powerful evidence that implicit bias (both negative toward people of color or positive toward white people), translates into a wide range of behaviors that have significant effects relevant to academic outcomes. For example, such biases can lead

<sup>99</sup> See generally THOMAS DEE & SETH GERSHENSON, UNCONSCIOUS BIAS IN THE CLASSROOM: EVIDENCE AND OPPORTUNITIES (2017); Linda Darling-Hammond, *Inequality in Teaching and Schooling: How Opportunity Is Rationed to Students of Color in America*, in THE RIGHT THING TO DO, THE SMART THING TO DO: ENHANCING DIVERSITY IN THE HEALTH PROFESSIONS 208 (2001).

people to view a facial expression as happy or neutral if the face is perceived to be white, but view the facial expression as neutral or angry when the face is perceived to be Black.<sup>100</sup> This perception distortion has clear risks for teachers' evaluating a student as defiant or hostile, which may lead to disciplinary decision differences or simply make relationships less positive.

In addition to laboratory studies of bias, social scientists have conducted many field studies that seek to determine whether changing a single variable—race or ethnicity—leads to different outcomes. In studies of resumes sent to employers, those resumes with names suggesting that the job applicant was white were significantly more likely to receive a callback than identical resumes with a name suggesting that the candidate was Black or Latino.<sup>101</sup> Other studies found assumptions that people identified as Latino are less educated and less likely to work in “white collar” jobs.<sup>102</sup> In the criminal justice context, the effects of implicit bias have been shown to be linked to skin color and stereotypically “Black” features; a study of Florida sentencing found skin color correlated to an average sentence of eight months longer, and a study of Philadelphia cases involving potential application of the death penalty found that when the victims were white, convicts with stereotypically Black features or darker skin were likely to be sentenced to death.<sup>103</sup>

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<sup>100</sup> Godsil, *supra* note 10, at 52 (citing Kurt Hugenberg & Galen V. Bodenhausen, *Ambiguity in Social Categorization: The Role of Prejudice and Facial Affect in Racial Categorization*, 15 PSYCHOL. SCI. 342 (2004)).

<sup>101</sup> *Id.* at 53 n.55 (citing Marianne Bertrand & Sendhil Mullainathan, *Are Emily and Greg More Employable than Lakisha and Jamal? A Field Experiment on Labor Market Discrimination*, 94 AM. ECON. REV. 991, 993–94 (2004) (conducting a field study of Boston and Chicago labor markets, “white” sounding names receive 50 percent more callbacks than “Black” sounding names)); *id.* (citing Devah Pager et al., *Discrimination in a Low-Wage Labor Market: A Field Experiment*, 74 AM SOC. REV. 777 (2009) (“Blacks were only half as likely to receive a callback or job offer relative to equally qualified whites; moreover, black and Latino applicants with clean backgrounds fared no better than a white applicant just released from prison.”)).

<sup>102</sup> Jody Agius Vallejo, *The Effect Racist Rhetoric Has on Young Latinos, and Why All Americans Should Care*, CONVERSATION (Apr. 26, 2016, 6:01AM), <http://theconversation.com/the-effect-racist-rhetoric-has-on-young-latinos-and-why-all-americans-should-care-57408> [<https://perma.cc/DLZ5-ACSC>].

<sup>103</sup> Jennifer Eberhardt et al., *Looking Deathworthy: Perceived Stereotypicality of Black Defendants Predicts Capital-Sentencing Outcomes*, 17 PSYCHOL. SCI. 383, 385 (2006).

Societal stereotypes about particular groups can translate into viewing otherwise identical content through a differential lens.<sup>104</sup> This phenomenon was strikingly revealed in a study of sixty law firm partners invited to evaluate a memorandum ostensibly written by “Thomas Meyer,” a third-year associate who attended New York University Law School.<sup>105</sup> Half of the partners were given a picture showing Meyer as white and the other half as Black (law firms still distribute pictures of associates). The partners’ assessments of the identical memorandum diverged dramatically. The average rating from the partners who thought that Meyer was white was 4.1 out of 5, while the average rating from partners who thought Meyer was Black was 3.2. Notably, the partners in the first group found an average of 2.9 of the intentionally embedded seven spelling/grammar errors in the memo, while those in the second group who thought he was Black found an average of 5.8. The partners also provided qualitative assessments that revealed differences. When the partners assumed Tom Meyer was white, he was described as having “good analytic skills” and “potential”; by contrast, when they assumed Tom Meyer was Black, he was “average at best.”<sup>106</sup> The most incendiary comment: “can’t believe he went to NYU.”<sup>107</sup>

Implicit bias is not limited to cognitive or evaluative decisions. Rather, our implicit racial biases can also shape our interactions with people from different groups.<sup>108</sup> Researchers have shown that implicit racial bias affects our body language, resulting in greater distancing, less eye contact, and other subtle non-verbal behaviors. People experiencing negative non-verbal behavior tend to reciprocate with similar behavior.<sup>109</sup> This mirroring effect risks harming those in positions of less power. For example, researchers found that in a study of job interviews, Black candidates who were subjected to distancing and mirrored the behavior, were evaluated negatively.<sup>110</sup>

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<sup>104</sup> See Godsil, *supra* note 10, at 54.

<sup>105</sup> ARIN N. REEVES, WRITTEN IN BLACK & WHITE: EXPLORING CONFIRMATION BIAS IN RACIALIZED PERCEPTIONS OF WRITING SKILLS (2014).

<sup>106</sup> *Id.*

<sup>107</sup> *Id.*

<sup>108</sup> Godsil, *supra* note 10, at 53 (citing John F. Dovidio et al., *Implicit and Explicit Prejudice and Interracial Interaction*, 82 J. PERSONALITY & SOC. PSYCHOL. 62 (2002) (discussing literature)).

<sup>109</sup> *Id.*

<sup>110</sup> *Id.*

The power of teachers' implicit biases to undermine the educational opportunities for students of color are obvious—teachers may fail to recognize the contributions of students of color, may see their behavior through a different lens leading to different disciplinary outcomes for like behavior,<sup>111</sup> or may engage in negative non-verbal behavior that students perceive as distancing or hostile. As will be discussed in the Subsection of stereotype threat, when students of color feel that their racial or ethnic identity is salient, they may experience additional harm from the cognitive consequences of trying not to confirm any negative stereotypes. Bias between students—or families—will also undermine the quality of interaction and thus the educational benefits of integration.

### B. *Racial Anxiety*

The tension between teachers' perceptions of themselves as color-blind and the biases they harbor can trigger anxiety when they are interacting with a student or family of a different race or ethnicity. "Racial anxiety" is not nearly as well recognized in legal academic literature as implicit bias,<sup>112</sup> but it has been widely studied in social psychology. People of all races may experience racial anxiety, but are likely to experience it differently depending upon the power dynamics at play.

The formal definition is the "physiological threat and cognitive depletion in anticipation of and following an inter-racial interaction."<sup>113</sup> Notably, racial anxiety often manifests in verbal and non-verbal behaviors that are visibly similar to those associated with implicit bias.<sup>114</sup> In other words, as with implicit bias, even people with consciously

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<sup>111</sup> U.S. GOV'T ACCOUNTABILITY OFF., GAO-18-258, K-12 EDUCATION: DISCIPLINE DISPARITIES FOR BLACK STUDENTS, BOYS, AND STUDENTS WITH DISABILITIES (2018) (highlighting that implicit bias serves as a contributing factor in school discipline).

<sup>112</sup> Rachel Godsil & L. Song Richardson, *Racial Anxiety*, 102 IOWA L. REV. 2235, 2240 (2017).

<sup>113</sup> Godsil, *supra* note 10, at 56 (citing Elizabeth Page-Gould et al., *With a Little Help from My Cross-Group Friend: Reducing Anxiety in Intergroup Contexts Through Cross-Group Friendship*, 95 J. PERSONALITY & SOC. PSYCHOL. 1080 (2008) (noting that racial anxiety can yield cardiovascular and other stress-induced illnesses particularly for people of color)).

<sup>114</sup> John F. Dovidio et al., *Implicit and Explicit Prejudice and Interracial Interaction*, 82 J. PERSONALITY & SOC. PSYCHOL. 62 (2002).

egalitarian values can end up treating people of other races and ethnicities differently, with less eye contact and a verbal tone that is not as friendly or engaging.<sup>115</sup>

Racial anxiety can be experienced by people of color and those who are white—but often, the subject of their concern tends to be different. For people of color, the anxiety is linked to being discriminated against or being subject to bias, while for white people, the anxiety is often that they will be perceived as biased.<sup>116</sup> An interaction in which both people are anxious tends to be shorter, and unfortunately may seem to confirm the fears experienced by both.<sup>117</sup>

Researchers have named this mutually reinforcing negative dynamic “pluralistic ignorance,” when “people observe others behaving similarly to themselves but believe that the same behaviors reflect different feelings and beliefs.”<sup>118</sup> In an educational setting, for example, a white person who does not feel welcome to sit at a table with a Black person may presume that Black people as a group are not interested in interacting with white people, and the Black person who watched the white person walk by the open seat at her table will conclude that white people are uninterested in interacting with Black people.<sup>119</sup>

Students of color who experience racial anxiety may respond by avoiding certain teachers, academic support programs, and other facets of the school experience. Elizabeth Page-Gould & Rodolfo Mendoza-Denton have found that students of color who are sensitive to social rejection often find themselves feeling a lower level of belonging in the academic environment, which can prevent them from reaching their full

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<sup>115</sup> Godsil, *supra* note 10, at 52, 56.

<sup>116</sup> Godsil, *supra* note 10, at 56–57 (citing Robyn K. Mallet et al., *Understanding the Intergroup Forecasting Error*, in *MOVING BEYOND PREJUDICE REDUCTION: PATHWAYS TO POSITIVE INTERGROUP RELATIONS* 64 (Linda R. Tropp & Robyn K. Mallet eds., 2011)).

<sup>117</sup> J. Nicole Shelton & Jennifer A. Richeson, *Intergroup Contact and Pluralistic Ignorance*, 88 *J. PERSONALITY AND SOC. PSYCHOL.* 91 (2005).

<sup>118</sup> *Id.* at 92 (first citing Dale T. Miller & Cathy McFarland, *Pluralistic Ignorance: When Similarity is Interpreted as Dissimilarity*, 53 *J. PERSONALITY & SOC. PSYCHOL.* 298 (1987); then citing Dale T. Miller & Cathy McFarland, *When Social Comparison Goes Awry: The Case of Pluralistic Ignorance*, in *SOCIAL COMPARISON: CONTEMPORARY THEORY AND RESEARCH* 287 (J. Suls & T. Wills eds., 1991); and then citing Deborah A. Prentice & Dale T. Miller, *Pluralistic Ignorance and the Perpetuation of Social Norms by Unwitting Actors*, 28 *ADVANCES EXPERIMENTAL SOC. PSYCHOL.* 161 (1996)).

<sup>119</sup> *Id.*

academic potential.<sup>120</sup> Students' fears of social rejection and feelings of alienation are often a reaction to prior experiences with white authority figures.<sup>121</sup>

When it comes to discipline, a robust body of literature has established that the quality of student-teacher relationships is among the strongest predictors of classroom behavior, particularly during adolescence.<sup>122</sup> Students still developing their cognitive-control regions on the brain rely upon trusted teachers to guide growth.<sup>123</sup> "When teacher[s] treat students without warmth and confidence, there is a risk that teachers will not inspire" adequate "trust, and students may not respond well to modest disciplinary measures; alternatively, a teacher's racial anxiety," rooted in fear of coming across as racially biased, "may inhibit their ability to establish appropriate structure and boundaries."<sup>124</sup>

Ivory Toldson and colleagues found that "[a] trusting relationship and feelings of respect are critical to the teacher-student relationship and closely related to how students respond to discipline."<sup>125</sup> "For black and Latino male students, academic disengagement has been found to be the strongest predictor of disciplinary referrals, while aggressive behavior and school crime [are] stronger predictors for white male students."<sup>126</sup> The question of whether teachers experiencing racial anxiety have greater difficulty conveying their respect for students,

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<sup>120</sup> Elizabeth Page-Gould & Rodolfo Mendoza-Denton, *Friendship and Social Interaction with Outgroup Members*, in MOVING BEYOND PREJUDICE REDUCTION: PATHWAYS TO POSITIVE INTERGROUP RELATIONS 139, 150 (Linda R. Tropp & Robyn K. Mallet eds., 2011) (citing Rodolfo Mendoza-Denton et al., *Sensitivity to Status-Based Rejection: Implications for African American Students' College Experience*, 83 J. PERSONALITY & SOC. PSYCHOL. 896 (2002)).

<sup>121</sup> *Id.*

<sup>122</sup> See, e.g., Jason A. Okonofua, David Paunesku & Gregory M. Walton, *Brief Intervention to Encourage Empathic Discipline Cuts Suspension Rates in Half Among Adolescents*, 113 PROC. NAT'L ACAD. SCIENCES 5221 (2016); Ivory A. Toldson, Tyne McGee & Brianna P. Lemmons, *Reducing Suspensions by Improving Academic Engagement Among School-Age Black Males*, in CLOSING THE SCHOOL DISCIPLINE GAP: EQUITABLE REMEDIES FOR EXCESSIVE EXCLUSION 107 (D.J. Losen ed., 2015); Robert Crosnoe, Monica K. Johnson & Glen H. Elder, Jr., *Intergenerational Bonding in School*, 77 SOC. EDUCATION 60 (2004).

<sup>123</sup> SCIENCE OF EQUALITY, *supra* note 79, at 6; see also John Kesner, *The Personal Side of Teaching: Perceptions of Teacher-Child Relationships*, 9 J. EARLY EDUC. & FAM. REV. 25 (2002).

<sup>124</sup> Godsil & Richardson, *supra* note 112.

<sup>125</sup> SCIENCE OF EQUALITY, *supra* note 79, at 6; see also Ivory A. Toldson et al., *Reducing Suspensions by Improving Academic Engagement Among School-Age Black Males*, in CLOSING THE SCHOOL DISCIPLINE GAP 107 (Daniel J. Losen ed., 2015).

<sup>126</sup> See sources cited *supra* note 123.

undermining the teacher's ability to meet the student's needs—which is exactly opposite to their intentions—is an important one and is subject to a large scale study in two school districts.<sup>127</sup>

A specific dynamic related to racial anxiety in teachers—the concern about being perceived as racist—has been shown by researchers to lead to “positive feedback bias” in which teachers give less critical feedback or insincere praise to Black and Latino students.<sup>128</sup>

For example, Kent Harber and colleagues conducted a study in which they “asked teacher trainees first to describe the degree to which they consider themselves egalitarian and then to provide [anonymous feedback] on an essay attributed to either a black student or a white student.”<sup>129</sup> Even when they understood the feedback to be anonymous, those who indicated that they were worried about being sufficiently egalitarian displayed different behavior depending on the race of the student: those “who thought they were giving feedback to a black student displayed ‘positive bias’ (giving overly positive responses to the student), relative to those who believed they were giving feedback to a white student.”<sup>130</sup>

While the impact of positive feedback bias may seem relatively minor, research suggests otherwise. Harber has found that when students perceive what they conclude to be unwarranted praise, they unsurprisingly show lower levels of trust in the authority figure.<sup>131</sup> Students of color may also “discount genuine praise as a sign of ‘intergroup politeness,’” which “may generate distrust or cynicism that could have additional intergroup effects throughout students’ academic careers.”<sup>132</sup>

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<sup>127</sup> Promoting Academic Success and Belonging for All Students: Multi-Modal School District Study (investigators Linda R. Tropp, Kent Harber, Christine Rucinski & Rachel D. Godsil) (study in progress 2019).

<sup>128</sup> Jennifer Randall Crosby & Benoit Monin, *Failure to Warn: How Student Race Affects Warnings of Potential Academic Difficulty*, 43 J. EXPERIMENTAL SOC. PSYCHOL. 663 (2007); Kent D. Harber et al., *Students’ Race and Teachers’ Social Support Affect the Positive Feedback Bias in Public Schools*, 104 J. EDUC. PSYCHOL. 1149 (2012).

<sup>129</sup> SCIENCE OF EQUALITY, *supra* note 79, at 8; *see also* Kent D. Harber et al., *The Positive Feedback Bias as a Response to Self-Image Threat*, 49 J. SOC. PSYCHOL. 207 (2010).

<sup>130</sup> SCIENCE OF EQUALITY, *supra* note 79, at 8. *See also* Harber, *The Positive Feedback Bias*, *supra* note 129.

<sup>131</sup> Kent D. Harber, *Feedback to Minorities: Evidence of a Positive Bias*, 74 J. PERSONALITY & SOC. PSYCHOL. 622, 627 (1998).

<sup>132</sup> SCIENCE OF EQUALITY, *supra* note 79, at 9; *see also* Harber, *supra* note 131.



### C. Stereotype Threat

For students, the worry that teachers are seeing them through the lens of stereotypes can have harmful consequences. For example, a study found that Latino youth in North Carolina were “very aware everyday of being judged, suspected, monitored, ‘up to no good,’ and expected to fail by people in authority (teachers, MDs, police).”<sup>133</sup> These concerns can form the basis for stereotype threat.

Stereotype threat occurs when a person’s social identity group is made salient and they fear confirming a negative stereotype about their group. Early research by Claude Steele and Joshua Aronson showed that Black students underperformed on exams that they were told were diagnostic of their intellectual capacity—the first of hundreds of studies showing the link between stereotype threat and academic performance.<sup>134</sup> Stereotype threat has been described as “the norm in academic environments.”<sup>135</sup> In a meta study, Walton and Spencer concluded that stereotype threat explains a “substantial proportion of racial achievement gaps.”<sup>136</sup>

Students of all races have been shown to experience stereotype threat in testing contexts—where the cognitive demands are particularly powerful.<sup>137</sup> As I have written elsewhere: “Stereotype threat occurs not because students are insufficiently prepared or lack capacity, but

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<sup>133</sup> Alexandra Lightfoot et al., *Envisioning Health: A Trans-Disciplinary, Community-Engaged Visual Intervention for Healthcare Providers on Implicit Bias Toward Latino/a Immigrant Youth*, 56 J. ADOLESCENT HEALTH S91 (2015), [http://www.jahonline.org/article/S1054-139X\(14\)00609-0/pdf](http://www.jahonline.org/article/S1054-139X(14)00609-0/pdf) [<https://perma.cc/MV3Y-SP9L>].

<sup>134</sup> Godsil, *supra* note 10, at 58–59 (citing Claude M. Steele & Joshua Aronson, *Stereotype Threat and the Intellectual Test Performance of African Americans*, 69 J. PERSONALITY & SOC. PSYCHOL. 797 (1995)). For a review of the literature, see Gregory M. Walton et al., *Affirmative Meritocracy*, 7 SOC. ISSUES & POL’Y REV. 1 (2013).

<sup>135</sup> Sam Erman & Gregory M. Walton, *Stereotype Threat and Antidiscrimination Law: Affirmative Steps to Promote Meritocracy and Racial Equality in Education*, 88 S. CAL. L. REV. 307, 313 (2015) (citing Gregory M. Walton et al., *Affirmative Meritocracy*, 7 SOC. ISSUES & POL’Y REV. 1, 8–9 (2013)).

<sup>136</sup> Godsil, *supra* note 10, at 59 (citing Sam Erman & Gregory M. Walton, *Stereotype Threat and Antidiscrimination Law: Affirmative Steps to Promote Meritocracy and Racial Equality in Education*, 88 S. CAL. L. REV. 307, 313 (2015)).

<sup>137</sup> See Toni Schmader et al., *An Integrated Process Model of Stereotype Threat Effects on Performance*, 115 PSYCHOL. REV. 336, 337 (2008).

because stereotypes interfere with their ability to perform consistent with their capacity and preparation.”<sup>138</sup>

Okonofua and colleagues have shown how stereotype threat can intersect with bias to affect disciplinary outcomes. They integrate social psychological literature on stereotyping and stigma to propose that “bias and apprehension about bias can build on one another in school settings in a vicious cycle that undermines teacher–student relationships.”<sup>139</sup> They set forth this phenomenon in a schematic:

*Table 3. Schematic Model of the Psychological Predicaments Faced by Teachers and by Racially Stigmatized Students in School:*<sup>140</sup>

**Table 1.** Schematic Model of the Psychological Predicaments Faced by Teachers and by Racially Stigmatized Students in School

Process	Teachers	Racially stigmatized students
Basic goal	To teach and inspire.	To learn and develop.
Stereotypes	Racially stigmatized students might be troublemakers.	Teachers might be biased against students like me.
Worries	These students could prevent me from fulfilling my teaching goals.	I might not belong; I might be treated unfairly.
Construal/ attributions	Misbehavior among racially stigmatized students is enduring and problematic and undermines my teaching goals.	Disciplinary action from teachers is evidence that I don't belong and/or that my teacher is unfair and undermines my learning goals.
Behavior	More frequent and more severe disciplinary action against racially stigmatized students.	More frequent and more severe misbehavior.

As described earlier, stereotyping and bias can lead teachers to be more likely to perceive students of color as troublemakers, triggering a harsher disciplinary response. Students’ stereotype threat can affect their construal of teachers’ responses to their behavior, leading to a negative feedback loop in which students may be more likely to engage in the misbehavior and teachers are more likely to detect it.<sup>141</sup>

Stereotype threat, like implicit bias and racial anxiety, has obvious and profound effects on students of color, but it also undermines the educational experience of white students. They lose out on the benefits of hearing from peers of color in a meaningful way. Another risk is that group projects will be imperiled by stereotype threat experienced by

<sup>138</sup> Godsil, *supra* note 10, at 59.

<sup>139</sup> Okonofua & Eberhardt, *supra* note 95, at 1.

<sup>140</sup> Jason A. Okonofua, Gregory M. Walton & Jennifer L. Eberhardt, *A Vicious Cycle: A Social-Psychological Account of Extreme Racial Disparities in School Discipline*, 11 PERSPECTIVES PSYCHOL. SCI. 381, 384 tbl. 1 (2016).

<sup>141</sup> *Id.*

students of color. The immediate effect is perhaps minor—a lesser quality group project—but the long-term risk of confirming negative stereotypes and reinforcing implicit biases is profound. In contexts in which students of color are harmed from stereotypes, white students also lose in the long run.

D. *Inter-Group Contact as Remedy to Implicit Bias, Racial Anxiety, and Stereotype Threat*

The harms of implicit bias, racial anxiety, and stereotype threat in contexts ranging from academic to criminal justice have been clear in the social sciences for decades, though only recently have they become recognized in the contexts themselves. As a result, social scientists have been working to identify mechanisms to reduce these phenomena or to prevent its behavioral manifestations. For all three phenomena, the most powerful and long-lasting intervention is inter-group context.<sup>142</sup> However, the conditions for this contact matters enormously.<sup>143</sup> The research makes a strong case that integrated classrooms are a way of achieving these aims—but as I argue below, positively integrated communities have the potential for catalytically greater effects.

Integration addresses implicit biases because through increased contact with people of other races, we begin to rely less on embedded stereotypes about their racial or ethnic group and more on the actual characteristics of individual people. Increased contact also provides more opportunities for positive interracial interactions, which in and of themselves reduce bias. Similarly, the presence of counter-stereotypical exemplars helps us broaden our understanding of other racial and ethnic groups and move away from cultural stereotypes as a way to categorize others. Being part of schools and communities that are

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<sup>142</sup> Nida Denson, *Do Curricular and Co-curricular Diversity Activities Influence Racial Bias? A Meta-Analysis*, 79 REV. EDUC. RES. 805 (2009) (finding that participation in diversity-related activities during college reduces racial bias among undergraduate students); *see generally* Linda R. Tropp & Elizabeth Page-Gould, *Contact Between Groups*, in 2 APA HANDBOOK OF PERSONALITY AND SOCIAL PSYCHOLOGY 535 (Mario Mikulincer et al. eds., 2015) (summarizing inter-group contact literature).

<sup>143</sup> *See* SCIENCE OF EQUALITY, *supra* note 79.

integrated is the most powerful way to truly reduce biases that undermine equality goals.<sup>144</sup>

Similarly, the key antidote to racial anxiety is increased contact between racial and ethnic groups—as individuals have more opportunities to interact with others, their anxiety wanes.<sup>145</sup> Inter-group contact increases the number of positive interracial experiences, allows individuals to practice conversations across racial lines, and lessens the worry of being the subject of or being perceived to perpetuate discrimination. The opportunity for students and families to engage with each other in the contexts of neighborhood and home-based relationships has the potential to be an important corrective to the expectation that racial anxieties can be addressed purely in the educational setting.

Finally, the presence of other students of different racial and ethnic groups has been shown to reduce stereotype threat experienced by students of color.<sup>146</sup> As stated by a group of experimental psychologists in their submission as amicus curiae to the Supreme Court in *Fisher v. Texas*:

When A is the only black student taking Medieval Literature, he is likely to feel like, and to be perceived as, “the black kid” in the class. When B is the only woman majoring in Mechanical Engineering, she is likely to feel like, and to be perceived as, not just an Engineering major, but a woman majoring in Engineering. But when there are multiple members of one’s racial or gender group present, a person’s identity is less defined by group membership. Now A is just a student taking Medieval Literature and B is just someone studying Engineering. Stereotype threat diminishes in diverse environments, because group membership tends to become less defining of individual identity.<sup>147</sup>

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<sup>144</sup> Myron Orfield, *Milken, Meredith, and Metropolitan Segregation*, 62 UCLA L. REV. 364, 367 (2015).

<sup>145</sup> Godsil & Richardson *supra* note 112, at 2256–59; Tropp & Page-Gould, *supra* note 142.

<sup>146</sup> See Walton et al., *Affirmative Meritocracy*, 7 SOC. ISSUES & POLICY REV. 1 (2013); V. Purdie-Vaughns et al., *Social Identity Contingencies: How Diversity Cues Signal Threat or Safety for African Americans in Mainstream Institutions*, 94 J. PERSONALITY & SOC. PSYCHOL. 615 (2008).

<sup>147</sup> Brief of Experimental Psychologists as Amicus Curiae Supporting Respondents at 23–24, *Fisher v. Univ. of Tex.*, 570 U.S. 297 (2013) (No. 11-345).

The nascent research on stereotype threat experienced by whites concerned about appearing racist suggests that opportunities to interact with a diverse set of peers in classes in which race is not directly salient may be constructive. Medical students who are educated in a diverse student body report that they are better able to work with patients of diverse backgrounds.<sup>148</sup> The benefits are even greater when students engage in informal discussions about course materials with peers from diverse backgrounds,<sup>149</sup> and when medical schools actively promote student engagement and perspective-sharing across diverse backgrounds.<sup>150</sup>

Inter-group interactions that lead to friendships and relationships are the most successful way to reduce implicit biases and racial anxiety.<sup>151</sup> Once particular identities no longer trigger concern about negative stereotyping, stereotype threat is no longer such a risk in academic contexts.

However, obviously not all inter-group contact achieves positive outcomes. When schools or neighborhood demographics change, but the power dynamics prevent conditions of equality, not surprisingly, inter-group dynamics can become even more contentious. The experiences of communities undergoing “gentrification” provide vivid examples of how inter-group contact can go awry.<sup>152</sup> The difference between the experience of integration and gentrification is whether a community culture is shaped by all members within it—with shared power and autonomy—or whether one group (affluent and often white) hoard both.<sup>153</sup>

The conditions for positive inter-group contact have long been recognized. In the 1950s, Gordon Allport identified them as the

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<sup>148</sup> Gretchen Guiton et al., *Student Body Diversity: Relationship to Medical Students' Experiences and Attitudes*, 82 ACAD. MED. S85, S85–S88 (2007); see also Somnath Saha et al., *Student Body Racial and Ethnic Composition and Diversity-Related Outcomes in US Medical Schools*, 300 J. AM. MED. ASS'N 1135 (2008).

<sup>149</sup> See Guiton et al., *supra* note 148, at S88.

<sup>150</sup> See Saha et al., *supra* note 148, at 1141; see also Emory Morrison & Douglas Grbic, *Dimensions of Diversity and Perception of Having Learned from Individuals from Different Backgrounds: The Particular Importance of Racial Diversity*, 90 ACAD. MED. 937 (2015).

<sup>151</sup> See generally Elizabeth Page-Gould et al., *Understanding the Impact of Cross-Group Friendship on Interactions with Novel Outgroup Members*, 98 J. PERSONALITY & SOC. PSYCHOL. 775 (2010).

<sup>152</sup> See generally Godsil, *supra* note 5.

<sup>153</sup> *Id.*

establishment of “equal status between the groups in the situation; common goals; intergroup cooperation; and the support of authorities, law, or custom.”<sup>154</sup> Neighborhoods and schools can serve as the locus for these conditions.

### III. HISTORICAL ROLE OF INTEGRATION IN REDUCING DISCRIMINATION AND STEREOTYPING

The bias and discrimination that accompanies our currently segregated schools and neighborhoods can seem intractable. It has been fifty years since the passage of the Fair Housing Act and even longer since *Brown v. Board of Education* and the Civil Rights Act of 1964. However, this country has in fact seen the power of integration to reduce discrimination and stereotyping: the dramatic change in attitudes and treatment of white ethnics.

Up until World War II, the stereotypes associated with those of Irish, Polish, Italian, or German descent were often highly negative. Religion was a factor—with Jewish people from various parts of Europe along with Catholics as the “other,” in contrast to the “real” Americans who were English-speaking Protestants who traced their ancestry to Northern Europe. The latter often responded to the millions of European immigrants from Ireland, Sicily, Poland, and other predominantly Catholic countries with hostility and derision.<sup>155</sup>

However, the distinctions were perceived as more fundamental than religious difference. The Irish were stereotyped as a distinct race, filled with drunkards and barbarians unfit for citizenship, subjected to signs and classified pages that read “No Irish Need Apply.”<sup>156</sup> Politicians warned about “the dangers of admitting Catholics from Southern and Eastern Europe onto American shores, for fear that they were something less than civilized (and less than white).”<sup>157</sup> In the early 1920s, the anti-

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<sup>154</sup> Thomas F. Pettigrew & Linda R. Tropp, *A Meta-Analytic Test of Intergroup Contact Theory*, 90 J. PERSONALITY & SOC. PSYCHOL. 751, 752 (2006); see generally GORDON W. ALLPORT, *THE NATURE OF PREJUDICE* (1954).

<sup>155</sup> See ALLPORT, *supra* note 154.

<sup>156</sup> See, e.g., Joshua M. Zeitz, *When Americans Hated Catholics*, POLITICO (Sept. 23, 2015), <https://www.politico.com/magazine/story/2015/09/when-america-hated-catholics-213177> [<https://perma.cc/6MH6-GHPH>]; JOSHUA M. ZEITZ, *WHITE ETHNIC NEW YORK: JEWS, CATHOLICS, AND THE SHAPING OF POSTWAR POLITICS* (2007).

<sup>157</sup> Zeitz, *When Americans Hated Catholics*, *supra* note 156.

Catholic and Jewish sentiment found its most powerful expression in the rebirth of the Ku Klux Klan, which identified Catholics, Jews, and immigrants along with Black people as threats to “the imagined ideals that had so recently held a nation of small, Protestant communities together.”<sup>158</sup>

So, what changed? Certainly, fighting Nazi fascism was significant, and the popular cultural portrayals of white ethnics began to change.<sup>159</sup>

The “platoon” film became a common trope “in which multi-ethnic military squads—almost always including a Jew, an Italian, an Irishman and a white Protestant”<sup>160</sup> fought together against the Aryan Nazi enemy.

Even more dramatic, however, was the residential and educational integration that resulted from a web of benefits and restrictions from federal, state, and local governments that allowed Italians, Poles, Greeks, Jewish persons, and other European-Americans access to the newly developing suburbs while explicitly restricting anyone Black and Latino from access, and denying funding to those of any race or ethnicity to those who would have stayed in integrated neighborhoods.<sup>161</sup>

Families deemed “not yet white ethnics,” as described by historian Thomas Sugrue, moved from their urban enclaves and began a new existence within suburban communities living side by side.<sup>162</sup> The stereotypes of the white ethnics lost their valence as their status as “white” overwhelmed the group differentiation. So, the stereotypes of the Irish, Polish, Italians, and other white ethnics diminished as with socially salient impediments to opportunity and designation as a dangerous “other.” However, it is also true that many (myself included) with ties to a white ethnic identity have lost connection to those identities through the “melting pot” assimilation to whiteness.

Many would argue—and I would agree—that the assimilationist melting pot model is no longer normative. Instead, the goal is to delink

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<sup>158</sup> *Id.*

<sup>159</sup> DAVID R. ROEDIGER, *WORKING TOWARD WHITENESS: HOW AMERICA'S IMMIGRANTS BECAME WHITE* 137 (2005) (“World War II stood out among historical circumstances that sped this process [broadly inclusive white working class] because it ‘blurred ethnic divisions into Americanness as the children of new immigrants worked and fought beside great-grandchildren of the old against the racist scourge of Nazism.’”).

<sup>160</sup> Zeitz, *When Americans Hated Catholics*, *supra* note 156.

<sup>161</sup> *See, e.g.*, RICHARD ROTHSTEIN, *THE COLOR OF LAW* (1st ed. 2017).

<sup>162</sup> THOMAS J. SUGRUE, *ORIGINS OF THE URBAN CRISIS: RACE AND INEQUALITY IN POSTWAR DETROIT* 9 (1996).

racial and ethnic identity from stereotypes by “individuating” and seeing people as unique individuals while respecting the racial or ethnic identity they claim. This new ideal would provide a superordinate shared identity—country, community, school—and acknowledge group differences.<sup>163</sup> This assures that meaningful differences in experience and perspective are fully recognized and respected.<sup>164</sup>

#### CONCLUSION

Recognizing the benefits of educational and residential integration is a first step—but transforming the patterns of where children go to school and the degree to which we are currently segregated will require policy changes designed to address the systems that segregated schools and neighborhoods in the first place. For example, in New Jersey, which is the sixth most educationally-segregated state in the country, civil rights groups have charged that the state must change its requirement that students (with few exceptions) attend school in the district in which they live and that charter schools must give priority to students in the district the school is located.<sup>165</sup> Gary Orfield and colleagues explain that in New Jersey, school desegregation could take place at the county-level, given that most segregation in New Jersey is a result of between-district segregation.<sup>166</sup> A strategy that links the integration of both schools and neighborhoods would increase the likelihood of success on both counts.

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<sup>163</sup> Rupert Brown et al., *Intergroup Contact and Intergroup Attitudes: A Longitudinal Study*, 37 EUR. J. SOC. PSYCHOL. 692, 700 (2007). See generally Rupert Brown et al., *Changing Attitudes Through Intergroup Contact: The Effects of Group Membership Salience*, 29 EUR. J. SOC. PSYCHOL. 741 (1999); Jan Pieter Van Oudenhoven et al., *Cooperation, Ethnic Salience and Generalization of Interethnic Attitudes*, 26 EUR. J. SOC. PSYCHOL. 649 (1996).

<sup>164</sup> See generally Rachael A. Eggins et al., *Social Identity and Negotiation: Subgroup Representation and Superordinate Consensus*, 28 PERSONALITY & SOC. PSYCHOL. BULL. 887 (2002); Linda R. Tropp & Rebecca A. Bianchi, *Interpreting References to Group Membership in Context: Feelings About Intergroup Contact Depending on Who Says What to Whom*, 37 EUR. J. SOC. PSYCHOL. 153 (2007).

<sup>165</sup> Adam Clark, *N.J. Schools Are Among the Most Segregated in U.S. This Lawsuit Could Change That*, NJ.COM (May 17, 2018, 10:30 AM), [https://www.nj.com/education/2018/05/lawsuit\\_calls\\_for\\_statewide\\_desegregation\\_of\\_nj\\_sc.html](https://www.nj.com/education/2018/05/lawsuit_calls_for_statewide_desegregation_of_nj_sc.html) [<https://perma.cc/XU7P-HAAQ>].

<sup>166</sup> Gary Orfield et al., *New Jersey's Segregated Schools Trends and Paths Forward*, CIVIL RTS. PROJECT (2017), <https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/new-jerseys-segregated-schools-trends-and-paths-forward/New-Jersey-report-final-110917.pdf> [<https://perma.cc/CBE4-QV6G>].