

EDUCATION NOT INCARCERATION: THE ROLE OF ADMINISTRATORS AND EDUCATORS IN STOPPING THE SCHOOL-TO-PRISON PIPELINE BY RECOGNIZING AND REDUCING HOW IMPLICIT BIASES PLAY INTO DISCIPLINE DECISION-MAKING

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I. INTRODUCTION

“We are all implicated when we allow other people to be mistreated...The closer we get to mass incarceration and extreme levels of punishment, the more I believe it’s necessary to recognize that we all need mercy, we all need justice, and – perhaps – we all need some measure of unmerited grace.” ~ Bryan Stevenson

Administrators and educators must find creative ways to ensure that students stay in the educational environment as opposed to sending students into the justice system. When discipline is used as a vehicle to disproportionately remove students of color from the educational setting, discipline becomes an instrument for institutionalized racism and oppression. Discipline policies and procedures, driven by racial stereotypes, have become an invisible structure of white hegemony by criminalizing African American¹ youth. National data from 2014 reveals that black students were expelled or suspended at three times the rate of white students.²

Recently, to address the discipline issue, the Department of Justice (DOJ) and the Department of Education (DOE) have collectively launched the Supportive School Discipline Initiative to confront why students are being pushed from school and into the

¹ Throughout this paper the terms “African American” and “black” are used interchangeably to refer to those of African descent living in the United States. While students of color, in general, face discrimination, this paper concentrates on the racial stereotypes rooted in American slavery that influence the educational experiences of African American students in public schools throughout the United States.

² U.S. Dep’t of Educ., Office for Civil Rights, Civil Rights Data Collection, Data Snapshot: School Discipline, 1 (2014), available at <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-discipline-snapshot.pdf>.

juvenile justice system. School districts are encouraged to bring together leaders within the community, law enforcement, and local government to come up with innovative ways to ensure that school discipline policies are enforced fairly and do not hinder student's "future growth, progress, and achievement."³ In January 2014, the DOJ and DOE released a school discipline guidance package as a resource, resulting from their joint initiative, to assist schools to develop practices and strategies to ensure they are complying with federal laws on school discipline.⁴

The Discipline Disparities Research to Practice Collaborative is another organization that has created a framework for schools and classrooms to acknowledge and address issues of racial inequity in discipline which includes: a) examining school data around discipline to identify the magnitude of racial and ethnic disparities; b) discussing, in detail, the discipline patterns and adult reactions caused by false historical notions concerning "groups" that create the disparities; c) developing interventions to include race-conscious analysis of the disparities and their causes; and d) monitoring the effectiveness of interventions by continuing to re-examine the disaggregated data.⁵

Findings indicate that "large and consistent disparities in the discipline of black and white students. . . . indicate a systematic and prevalent bias in the practice of school discipline."⁶ Therefore, apart from these more systematic changes mentioned above, administrators and educators can do individual work to address the racial disparities in discipline by focusing on how implicit biases shape their outlook on particular groups of students. While some administrators and educators

³ ATTORNEY GENERAL HOLDER, SECRETARY DUNCAN ANNOUNCE EFFORT TO RESPOND TO SCHOOL-TO-PRISON PIPELINE BY SUPPORTING GOOD DISCIPLINE PRACTICES, DOJ 11-951

⁴ See U.S. Dep't of Justice & U.S. Dep't of Educ., Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline (2014), [HTTP://WWW2.ED.GOV/ABOUT/OFFICES/LIST/OCR/LETTERS/COLLEAGUE-201401-TITLE-VI.HTML](http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html).

⁵ Prudence Carter et al., *You Can't Fix What You Don't Look At: Acknowledging Race in Addressing Racial Discipline Disparities* 7 (2014), available at [HTTP://WWW.ATLANTICPHILANTHROPIES.ORG/SITES/DEFAULT/FILES/UPLOADS/ACKNOWLEDGING-RACE_121514.PDF](http://www.atlanticphilanthropies.org/sites/default/files/uploads/acknowledging-race_121514.pdf).

⁶ Russell Skiba et al., *The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment* 18 (2000), available at [HTTP://WWW.INDIANA.EDU/~EQUITY/DOCS/COLOROFDISCIPLINE2002.PDF](http://www.indiana.edu/~equity/docs/colorofdiscipline2002.pdf) ("Racial bias in the practice of school discipline is also part of a broader discourse concerning the continuing presence of institutional racism or structural inequity in education.").

may be making discipline decisions on explicit biases, the purpose of this paper is not to discuss the effects of explicit biases on school discipline. Given the amount of discretion in discipline decision-making, administrators and educators should explore how racial stereotypes are shaping their decisions, zero-tolerance policies, and use of school resource officers.

II. CURRENT ISSUES IN OUR SCHOOL SYSTEMS

“A routine school disciplinary infraction should land a student in the principal’s office, not in a police precinct,” ~ Attorney General Eric Holder.

Philosopher and social theorist Michel Foucault cites the self-perpetuation of power as the reason for the growth of the prison system.⁷ Foucault also cites the State’s purpose in constantly creating prisoners, which is to keep exercising coercive and disciplinary power. “Throughout much of our history, the structures of slavery, Jim Crow, and other forms of racial exclusion were purposely intended to maintain deep divisions between us, to the advantage of some groups and the detriment of others.”⁸ In the 21st century, from every African American male born in the United States, one in every three is expected to be incarceration in his lifetime.⁹

“Issues of race and difference continue to be embedded in our schools and society, continuing to reinforce and replicate inequality in society, in education and in school discipline.¹⁰ Every school year a quarter of a million students (a majority of them students of color) are referred to law enforcement.¹¹ In more recent years, there has been a

⁷ HARSHA WALIA, UNDOING BORDER IMPERIALISM 60 (2013).

⁸ Carter et al., *supra* at 7 (2014) (“Corrosive stereotypes—like the dangerous Black male—rooted themselves deep in our nation’s psyche and, whether or not they reach our consciousness, remain entwined in our thinking and our practices today.”)

⁹ BRYAN STEVENSON, JUST MERCY 15 (2014).

¹⁰ Carter et al., *supra* at 4 (2014) (“Our continued separation influences the way in which we interact around race, including the ways in which teachers and administrators interact with students.”).

¹¹ Laren Camera, U.S. News & World Report, *Education Secretary Duncan Combats School-to-Prison Pipeline: Duncan to urge states to find paths other than incarceration for people convicted of nonviolent crimes*, (Sept. 30, 2015) available at <http://www.usnews.com/news/articles/2015/09/30/education-secretary-duncan-combats-school-to-prison-pipeline>.

dramatic increase in school discipline for African American females, who are suspended at “six times the rate of white females.”¹² Specifically, in 2009-2010 African American females represented fewer than 17 percent of all female students, yet they encompassed approximately 43 percent of girls who faced an arrest at school and 31 percent of females referred to police.¹³ “Today our nation’s academic and discipline gaps can be seen as our nation’s ‘educational debt’—the direct results of compounded economic, social, and political inequalities that have plagued the United States for centuries.”¹⁴

A. *The School-to-Prison Pipeline*

Severe and consistent racial disparities occurring in school discipline lead to a variety of destructive outcomes including the school-to-prison pipeline. The school-to-prison pipeline is a phrase used to explain, “the school-based policies, practices, conditions, and prevailing consciousness that facilitate criminalization within educational environments and the processes by which this criminalization results in the incarceration of youth and young adults.”¹⁵ For example, when students are subjected to exclusionary discipline, they are put in academically inferior and unsupervised environments,¹⁶ which decreases the chances of a successful return to school and increases the chances of entering the justice system. The

¹² Janel A. George, *Stereotype and School Pushout: Race, Gender, and Discipline Disparities*, 68 Ark. L. Rev. 101, 104 (2015) (“A recent report issued by the NAACP Legal Defense and Educational Fund, Inc. and the National Women’s Law Center examined data on African American girls and education, including school discipline disparities, and called for increased attention to how these girls are uniquely impacted by race and gender bias in school discipline decisions.”).

¹³ Leticia Smith-Evans et al., NAACP Legal Def. & Educ. Fund, Inc. & Nat’l Women’s Law Ctr., *Unlocking Opportunity for African American Girls: A Call to Action for Educational Equity* (2014), note 16, at 16, available at http://nwlc.org/wp-content/uploads/2015/08/unlocking_opportunity_for_african_american_girls_report.pdf.

¹⁴ Carter et al., *supra* at 7 (2014).

¹⁵ Monique W. Morris, *Searching for Black Girls in the School-to-Prison Pipeline*, Nat’l Council on Crime and Delinquency (Mar. 18, 2013), available at <http://www.nccdglobal.org/blog/searching-for-black-girls-in-the-school-to-prison-pipeline>.

¹⁶ See Tom Rudd, Kirwan Inst., *Racial Disproportionality in School Discipline: Implicit Bias Is Heavily Implicated* 3 (2014), available at <http://kirwaninstitute.osu.edu/racial-disproportionality-in-school-discipline-implicit-bias-is-heavily-implicated/>.

school-to-prison pipeline “disproportionately affects youth of color.”¹⁷ Research has shown “African American students are punished more severely for less serious or more subjective infractions.”¹⁸ Subjectivity mixed with the failure to recognize how racial stereotypes shape discipline decision-making enhances the existence of the school-to-prison pipeline.

B. Implicit Biases

Scholars have identified implicit racial biases as having a crucial impact on disciplinary discretion.¹⁹ Implicit biases are subconscious outlooks that function outside of a person’s awareness that may even conflict with a person’s beliefs and values.²⁰ “Implicit biases are discriminatory biases based on implicit attitudes or implicit stereotypes.”²¹ Brains involuntarily hold on to old biases and preferences (positive or negative) for various groups.²² U.S. history has created persistent and fabricated ideas about “non-white” communities of color, which have formed our opinions of “who is valued or who is not, who is capable and who is not, and who is ‘safe’ and who is ‘dangerous.’”²³

¹⁷ Morris, *supra*.

¹⁸ Skiba et al., *supra* note 10, at 1088 (“[I]nvestigations of student behavior, race, and discipline have yielded no evidence that African American over-representation in school suspension is due to higher rates of the data are self-reported, or based on analysis of disciplinary records.”).

¹⁹ See Rudd, *supra* at 3 (2014).

²⁰ Carter et al., *supra* note 44, at 9 (Racial implicit biases were first explored by Banaji and her colleagues (Greenwald, A. G., & Banaji, M. R. [1995]. Implicit social cognition: Attitudes, self-esteem, and stereotypes. *Psychological Review*, 102, 4-27) through the development of the Implicit Association Test (IAT), created in 1994 by researcher Anthony Greenwald (Greenwald, McGhee, & Schwartz, 1998). Numerous studies about race using the IAT pair white faces or white sounding names with positive words. Both types of participant also pair black faces or stereotypically black names with negative words much faster than when pairing white faces/names with negative results or than when pairing black faces/names with positive words (Nosek, Greenwald, & Banaji 2005)).

²¹ Anthony G. Greenwald & Linda Hamilton Krieger, *Implicit Bias: Scientific Foundations*, 94 Cal. L. Rev. 945, 951 (2006).

²² Cunningham, W. A., Nezlek, J. B., & Banaji, M. R. (2004). Implicit and explicit ethnocentrism: Revisiting the ideologies of prejudice. *Personality and Social Psychology Bulletin*, 30, 1332-1346.

²³ Carter et al., *supra* at 7 (2014).

A study done by Indiana University in 2000 concluded that high suspension rates for students of color most likely suggest “evidence of a pervasive and systematic bias.”²⁴ Social scientists have found that all of us are influenced by implicit biases, which significantly determine our behavior, shape our decisions, and influence how we perceive others.²⁵ Unconscious stereotypes about race and even capacities to learn, are determined by our past experiences and socializations prompting us to “see things not as they are, but as we are.”²⁶ While many believe that racial bias is a thing of the past, the Implicit Association Test revealed that 70 percent of those who took the test have an unconscious preference for white people compared to black people.²⁷ Hundreds of years of oppression and discrimination have created negative and controlling images of the “deviant Black person,” which have stayed prevalent in the U.S. today.²⁸

More recent research on implicit bias reveals that stereotypes are still prevalent, feasibly even the standard, in United States culture.²⁹ Implicit biases impact educational outcomes through school discipline policies and practices that target and criminalize specific groups of students.³⁰ African American students are disproportionately impacted because administrators and educators, untrained in implicit biases, hold onto historically rooted racial stereotypes.³¹ “Whether educators admit it or not, they – like everyone else – are vulnerable to harboring bias, and when the opportunity to exercise discretion in decision making arises it usually plays out against African American students.”³² For example, students of color receive differential

²⁴ McClellan-Copeland, *Black Students Suspended more often*, The Plain Dealer (2004).

²⁵ CTA Human Rights Department, *Unconscious Bias: Is it Real?*, (September 14, 2010).

²⁶ *Id.*

²⁷ Joey Schwarz, *Study Supports Validity of Test that Indicates Widespread Unconscious Bias*, News and Information, available at, <http://uwnews.org/uweek/article.aspx?id=50605>.

²⁸ Carter et al., *supra* at 7 (2014).

²⁹ Nosek, B. A., Greenwald, A. G., & Banaji, M. R. (2005). Understanding and using the Implicit Association Test: II. Method variables and construct validity. *Personality and Social Psychology Review*, 31(2), 166-180. doi: 10.1177/0146167204271418.

³⁰ See George, *supra* at 102.

³¹ See generally Carter et al., *supra* note 1.

³² George, *supra* at 110.

treatment in terms of how teachers react to misbehavior.³³ Studies have shown that black students are more harshly punished for the same or similar behavior than their white student counterparts.³⁴

Specifically, “social psychology research suggests that implicit racial biases are most likely to affect decision making when the decision involves an ambiguous situation and provides the biased decision-maker some ground to justify the biased decision on non-racial grounds.”³⁵ Because school administrators, as decision makers, are given so much discretion, they must become aware of how their implicit biases shape, not only the decisions they make, but also the students of whom they discipline.

“[O]ur nation’s history has left us with ideas about “race” that still prompt exclusionary and disparate disciplinary practices and segregated, to confront racial issues, even as those issues continue to play out in our everyday interactions.”³⁶ One of these historical stereotypes, affecting discipline decision-making, is worth mentioning. “Corrosive stereotypes—like the dangerous Black male—rooted themselves deep in our nation’s psyche and, whether or not they reach our consciousness, remain entwined in our thinking and our practices today.”³⁷ The notion of the “dangerous Black male,” which grew directly out of slavery and its aftermath, is embedded in the implicit consciousness of many within our society.³⁸ The need to discipline and control was fundamental to the institution of slavery, and any attempt by Black slaves to engage in ordinary human activity made one a

³³ Casteel, C. (1998). Teacher-student interactions and race in integrated classrooms. *Journal of Educational Research*, 92(2), 115-120; Simpson, A. W., & Erikson, M. T. (1983). (“Teachers’ verbal and non-verbal communication patterns as a function of teacher race, student gender and student race.” *American Education Research Journal*, 20, 183-198.)

³⁴ Nicholson-Crotty, S., Birchmeier, Z., & Valentine, D. (2009). Exploring the impact of school discipline on racial disproportion in the juvenile justice system. *Social Science Quarterly*, 90(4), 1003-1018; Skiba, R. J., Horner, R. H., Chung, C. G., Rausch, M. K., May, S. L., & Tobin, T. (2011). (“Race is not neutral: A national investigation of African American and Latino disproportionality in school discipline.”) *School Psychology Review*, 40(1), 85.

³⁵ David Simson, *Exclusion, Punishment, Racism, and Our Schools: A Critical Race Theory Perspective on School Discipline*, 61 UCLA L. REV. 506, 545 (2014).

³⁶ Carter et al., *supra* at 2.

³⁷ *Id.* at 7.

³⁸ *Id.* at 2.

criminal.³⁹ The “dangerous Black man” stereotype, validated by pop-culture, leaders, and scholars, was deeply entrenched in the U.S. culture by the 20th Century.⁴⁰ Today, this bias continues to be reinforced through television and other media sources.⁴¹

African American females are currently the fastest growing segment of the juvenile justice system.⁴² The focus in recent years on “disparate impact discriminatory discipline practices” has been on African American males, and little attention has been given to the negative impacts on the educational experiences of African American females.⁴³ The intersectionality between race and gender pose unique ways African American females are experiencing discipline at six times the rate of their white peers.⁴⁴ These young women not only have to face institutionalized racism, but also have to deal with gender stereotypes associated with expectations of white womanhood.⁴⁵ Expectations in schools reflect the ideals of femininity leading to social correction and particularly punitive consequences for African American female students.⁴⁶ Females who violate typical gender stereotypes by demonstrating “stereotypically masculine behavior (e.g., strength, independence, and an outward aggressive demeanor) often are categorized as ‘unnaturally strong.’”⁴⁷ These stereotypes are used in the educational environment to justify overly punitive discipline,⁴⁸ and often suspensions and expulsions are for innocuous offenses categorized as “willful defiance.”⁴⁹

³⁹ *Id.* at 3.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² See Francine T. Sherman, *Justice for Girls: Are We Making Progress?*, 59 UCLA L. Rev. 1584, 1617 (2012) (“[B]lack girls have been the swiftest growing group of girls referred to the juvenile courts and entering detention. . . . [B]y 2008, referrals of black girls had increased 72 percent from their 1992 level, making up 35 percent of all girls’ referrals.”).

⁴³ George, *supra* at 103.

⁴⁴ *Id.* at 104

⁴⁵ Morris, *supra* note 6, at 5.

⁴⁶ Morris, *supra* note 6, at 5 (“When Black girls do engage in acts that are deemed ‘ghetto’ or a deviation from the social norms that define female behavior according to a narrow, White middle-class definition of femininity, they are deemed nonconformative and thereby subject to criminalizing responses.”).

⁴⁷ See Nikki Jones, *Between Good and Ghetto: African American Girls and Inner-City Violence* note 3 at 8 (2010).

⁴⁸ Morris, *supra* note 6, at 9. (“For example, to be ‘loud’ or ‘defiant’—two ‘infractions’ that lead to the use of exclusionary discipline in schools—are qualities

Implicit biases, especially in the realm of discipline, are one of the many factors that can limit the success of students of color in school.⁵⁰ Discriminatory practices destabilize student outcomes and contribute to “academic disengagement, high dropout rates, increased criminal activity and involvement in the juvenile justice system.”⁵¹ If administrators and educators became more aware of their harbored racial biases and participated in de-biasing training, it would likely transform our educational institutions from pipelines-to-prisons into gateways-to-success. Additionally, after making these more internal corrections on stereotyping, decision-makers should reexamine how implicit biases are shaping their institution’s zero-tolerance policies and choice to in using school resource officers.

C. Zero-Tolerance Policies

Today, zero-tolerance policies are highly utilized throughout the nation’s schools. “A zero tolerance discipline policy is a school discipline policy or practice that results in an automatic disciplinary consequence such as in-school or out-of-school suspension, expulsion, or involuntary school transfer for any student who commits one or more listed offenses. A school discipline policy may be a zero tolerance policy even if administrators have some discretion to modify the consequence on a case-by-case basis.”⁵²

Recent research shows that schools with larger proportions of students of color are more likely to use harsher punishment and include a larger range of offenses leading to suspensions, expulsions, arrests, and zero-tolerance.⁵³ These policies use punishments out of proportion to the behavior being disciplined and require automatic suspension or expulsion for particular offences.⁵⁴ Policy choices may be affected by biases to disproportionately suspend or expel students

that have historically underscored Black female resilience to the combined effects of racism, sexism, and classism.”).

⁴⁹ George, *supra* at 104.

⁵⁰ See generally CTA Human Rights Department *supra*.

⁵¹ See Smith-Evans et al., *supra* note 16, at 18.

⁵² *Mission*, DIGNITY SCH., <http://dignityinschools.org/about-us/mission> (last visited Dec. 14, 2015).

⁵³ Welch, K., & Payne, A. A. (2010). Racial threat and punitive school discipline. *Social Problems*, 57(1), 25-48.

⁵⁴ The Civil Rights Project, *Action Kit: Zero Tolerance and School Discipline*

of color.⁵⁵ Supporters of zero tolerance policies argue that the policies keep schools safe. However, others believe that zero tolerance policies contribute to negative outcomes, break critical relationships between students and teachers, and fail to teach students critical traits necessary to succeed.⁵⁶ "Out-of-school suspensions are not predominantly used to punish the most dangerous student behavior but rather to punish relatively trivial acts such as disrespect toward a school authority or classroom disruption."⁵⁷ While school safety is important, a majority of students suspended or expelled are not a real threat to school safety.⁵⁸ Recent research shows that zero-tolerance policies have failed to achieve the goals intended⁵⁹ and have instead only created negative effects on students.⁶⁰

Some students are suspended or expelled through zero-tolerance policies for cursing, fighting, disobedience, insubordination, or disruptive behavior. School zero-tolerance policies can have permanent negative impacts on students, including increased likelihood of being labeled as a "trouble maker," failing academically, dropping out, being sent to the juvenile justice system, and being on the student's academic record preventing them from going to college.⁶¹ It is highly likely that some form of bias is a contributing factor to schools disproportionately using and enforcing zero-tolerance policies.⁶²

D. Police Presence

Individuals involved in schooling and policing interact with students across racial lines, yet, for the most part, are unprepared to

⁵⁵ Daniel J. Losen, *Discipline Policies, Successful Schools, and Racial Justice* 13, note 26 (2011), available at <http://nepc.colorado.edu/publication/discipline-policies>.

⁵⁶ Black, *Beyond Zero Tolerance*, Harvard University 1 (2004).

⁵⁷ Simson, *supra* note 7, at 515.

⁵⁸ The Civil Rights Project, *supra* at 1.

⁵⁹ Am. Psychological Ass'n Zero Tolerance Task Force, *Are Zero Tolerance Policies Effective in the Schools?: An Evidentiary Review and Recommendations* 113 (2006), available at <http://www.apa.org/pubs/info/reports/zero-tolerance-report.pdf>.

⁶⁰ See Skiba et al., *supra* note 10, at 1079.

⁶¹ The Civil Rights Project, *supra* at 1.

⁶² See Carter, *supra* at 4.

face their implicit biases.⁶³ Schools are beginning to rely on police rather than administrators to maintain discipline in schools.⁶⁴ This increase in police presence leads to an exacerbation of how schools respond to punishment,⁶⁵ and result in increased security surveillance with instruments such as video cameras and metal detectors in schools predominantly attended by students of color.⁶⁶ "[African American students] represented 27% of students referred to law enforcement and 31% of students subjected to a school-related arrest."⁶⁷ Many states require students to be arrested, leading to juvenile detention for offenses such as assaults including minor schoolyard scuffles.⁶⁸

School Resource Officers (SROs) are increasingly patrolling hallways instead of teachers and school officials. The increase in SRO presence in stressed, low resource settings, escalates the probability that young students of color are being expelled into the justice system by school arrests simply for prejudiced offenses such as disorderly conduct.⁶⁹ The presence of SROs contributes to the school-to-prison pipeline because "offenders" are put into the juvenile justice system for "subjective offenses."⁷⁰ Implicit biases may not only play into the decision to have SROs, but may also affect whether students are being referred to the officers and what decision the officer may make in terms of punishment.

III. HOW TO OVERCOME IMPLICIT BIASES IN SCHOOL DISCIPLINE

[A]chieving racial equity in school discipline requires action, leadership and a commitment to counteract old habits and stereotypes. The roots of racial inequality in our schools and our society are many centuries deep. Eliminating disciplinary disparities, or for that matter any inequity in our educational system, will require an

⁶³ Carter et al., *supra* at 3 (2014).

⁶⁴ Camera, *supra*.

⁶⁵ Carter et al., *supra* at 4 (2014).

⁶⁶ George, *supra* at 116.

⁶⁷ U.S. Dep't of Educ., Office for Civil Rights, *supra* at 1.

⁶⁸ The Civil Rights Project, *supra*.

⁶⁹ Theriot, M. (2009). School resource officers and the criminalization of student behavior. *Journal of Criminal Justice*, 37(7).

⁷⁰ Carter et al., *supra* note 1, at 3.

ongoing awareness of how those disparities are produced, and a steadfast commitment to finally bringing them to an end. ~Prudence Carter, et al.

Although the student population has become more diverse in recent years, a majority of the teachers in the United States remain female, white, and middle class.⁷¹ While recruitment of more diverse educators should be a priority, this alone will not fix the problem because “educators of color may also harbor harmful biases and stereotypes that they may project into their interactions with students.”⁷² Unless educators clearly engage and challenge their widespread implicit biases, they can carry common negative stereotypes with them into schools, leading to detrimental outcomes for students of color. Because the area of school discipline is given unfettered discretion, administrators and educators should work to 1) become aware of their implicit biases; 2) engage in appropriate de-biasing techniques; 3) involve parents in the disciplinary process; and 4) adapt existing school policies and procedures to reflect more equitable values within their educational institution.

Intervention can transform school settings and tackle the negative effects of implicit biases within our educational institutions. Fortunately, evolving research indicates educators can learn techniques to recognize and overcome implicit biases to generate more positive outcomes for all students and our communities.⁷³ Administrators and educators can take the Implicit Association Test, at <https://implicit.harvard.edu/implicit/takeatest.html>, to develop more awareness of their potential harbored biases. Professional development should include training teachers on implicit bias and cultural responsiveness, which are critical and key elements in successful discipline reform.⁷⁴ Additionally, teacher-training programs should teach cultural competency, classroom management, and address implicit bias and stereotyping to ensure teachers are prepared to address discipline in a nondiscriminatory manner.⁷⁵

⁷¹ Villegas, A. M., Strom, K., & Lucas, T. (2012). Closing the racial/ethnic gap between students of color and their teachers: An elusive goal. *Equity & Excellence in Education*, 45(2), 283-301.

⁷² George, *supra* at 128.

⁷³ Carter et al., *supra* at 4.

⁷⁴ See George, *supra* at 124.

⁷⁵ *Id.*

Practicing de-biasing techniques are essential to personal and professional growth, and these techniques, when practiced over a period of time, have been proven to be effective. For example, Professor Patricia Devine established a “multi-faceted prejudice habit-breaking” intervention test, teaching participants five distinctive de-biasing strategies that showed significant reductions in implicit biases among those who were trained.⁷⁶ The participants who joined in Professor Devine’s intervention study were given a “toolkit” for five strategies to practice on a weekly basis, which included:

1. Stereotype Replacement: An individual acknowledges that he or she is reacting to a situation or person in a stereotypical way. So, he or she considers why and dynamically exchanges this biased response with an unbiased one.
2. Counter-stereotypic Imagining: Immediately when he or she notices a biased response, the individual comes up with an example that demonstrates that the stereotype is inaccurate. To illustrate, image an individual who judges an African American male as being dangerous or violent, then he or she should imagine someone the individual knows – either famous or not – that is gentle and peaceful.
3. Individuating: This strategy engages the collection of “very specific information about a person’s background, tastes, hobbies, and family, so that one’s judgments will be based on the particulars of that person, rather than on group characteristics.”
4. Perspective-taking: This involves walking into the “shoes of a stereotyped person.” What does it feel like to be perceived as a dangerous person, or to be followed around a store? This step may be very helpful in considering the “emotional impact on individuals” that face negative biases on a regular basis.
5. Increasing Opportunity for Positive Contact: The final strategy includes vigorously seeking out circumstances to likely experience positive examples of people who are subjected to stereotypes. This can include person contact or imagery.⁷⁷

⁷⁶ Devine, P. G., Forscher, P. S., Austin, A. J., & Cox, W. T. L. (2012). Long-term reduction in implicit race bias: A prejudice habit-breaking intervention. *Journal of Experimental Social Psychology*, 48(6), 1267-1278.

⁷⁷ Johanna Wald, *Can “De-Biasing” Strategies help to reduce racial disparities in School Discipline?*, Institute for Race and Justice, Harvard Law School 5 (2014).

Professor Devine’s habit-breaking intervention study resulted in participants self-reporting an increased concern about racial discrimination, and ultimately the participants tested lower on the IAT for implicit biases compared to a control group that did not receive the intervention.⁷⁸

Another strategy that has exhibited a pronounced impact to overcoming disproportionate racial disparities in discipline includes encompassing parent and community member positions.⁷⁹ For instance, in the Denver public school system the work of Padres y Jovenes Unidos transformed school discipline by successfully integrating viewpoints and concerns of parents, which resulted in great improvements for the schools with issues of disproportionate discipline.⁸⁰ Additionally, in Tyrone Howard’s study of schools that have successfully closed racial achievement gaps, he identifies “parent and community engagement” as an essential attribute to attainment.⁸¹ With more parent involvement, instead of mislabeling students, teachers and educator can ensure their students have appropriate access to services, support, and interventions to decrease the probability needing to discipline students.⁸²

Finally, administrators and educators should look to their educational institution’s zero-tolerance policies and evaluate how their policies may be shaped by implicit biases. Zero-tolerance policies bloomed in the 1990s “in response to perceived increases in violence”⁸³ and were not intended to strip students of their opportunity to learn. However, these policies are being used to exclude students for subjective offenses allowing race biases to influence disciplinary decision-making.⁸⁴ The Zero Tolerance Task Forces encourages schools to either reform zero-tolerance policies or apply alternatives to these policies by “organizing into practice, policy, and research.”⁸⁵ Changes to zero-tolerance policies would be more effectively executed

⁷⁸ Devine, P., & Forscher, P. (2012). Long-term reduction in implicit race bias: A prejudice habit-breaking intervention. *Journal of Experimental Social Psychology*, 48(60).

⁷⁹ See Carter et al., *supra* note 1, at 7.

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² See George, *supra* at 127.

⁸³ *Id.* at 114.

⁸⁴ *Id.* at 109-111.

⁸⁵ Am. Psychological Ass'n Zero Tolerance Task Force, *supra* at 12.

to decrease discipline disparities after administrators have participated in de-biasing training.

IV. CONCLUSION

Due to the increased connection between mass incarceration and the educational system, educational institutions must acknowledge how their policies and practices are contributing to the phenomenon known as the school-to-prison pipeline. As a culture, we are all implicated by allowing negative stereotypes to generate discipline disparities by sending students to the police precinct for mundane school disciplinary violations. To overcome the issues of racial inequity in school discipline and to improve the educational outcomes for all students, administrators and educators should explore how racial biases play into their decision-making around discipline. Ultimately, discipline's purpose is to teach students right from wrong, and should not be used as an instrument to push students into the justice system.

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