
Impartial Hearing Officer Training

*Implicit Bias, Racial Anxiety, and Stereotype Threat
as Obstacles to Fairness*

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SCENARIOS

#1

The Department of Education has filed a hearing request seeking to override parents' refusal to consent to an initial evaluation. You have been appointed to the case and are reviewing the hearing disclosures in preparation for the hearing. The parents, Joan and Charles, reside in the Brooklyn with two sons, aged 7 and 9. Both parents have a high school level of education, which you glean from reading a social work report. According to school officials, the children did not attend school at all during the 2017-2018 school year. The mother states that the father has been working with the Department of Education to homeschool the children because they are bullied at school.

- As you were reading the case, how did you picture the children and parents?
- What informed your mental picture of the parents?
- You were to find out information that specifically confirmed that this family were of a different race or ethnicity, how might that information alter perceptions of the parents or children?

#2

Several hearing officers are sitting together during lunch. They are discussing some recent issues at a large public high school in New York City, particularly the rise in violence and suspensions. Tiffany mentions the challenge of the growth of neighborhood gangs, which are increasingly recruiting students. "I mean, these kids are thugs," says Spencer, a white man. Nicole, who is black, questions Spencer on his statement. Spencer replies, "Oh don't make this a race thing. They are just troublemakers." Nicole says, "Got it," wraps up her lunch, and leaves the room. The rest of the group is silent throughout the exchange.

- How might implicit bias, racial anxiety, or stereotype threat be showing up in this situation?
- Who is affected, and why?
- What interventions could be used to address this situation?

#3

Maria has submitted a due process complaint, based on the experiences of her grandchildren at the local public elementary school. Maria is in her mid-sixties, an immigrant from El Salvador, and Spanish is her primary language. She is the caregiver to two of her grandchildren – a boy, age 11, and a girl, age 9. This is the second time Maria has submitted this due process complaint after being granted leave to amend the complaint; the previous time, it was found insufficient.

- The hearing officer has called a status conference to review Maria's amended due process complaint. Think about the experience of Maria. What might she be experiencing or feeling while in the room with the hearing officer?
- Think back to the WISE feedback tool. How might you address the grandmother and reduce her assumptions of stereotype threat?

#4

A hearing officer is hearing a case by a mother against a school district. The mother, a white woman, has two teenage boys at the local high school. The mother is very engaging – she is warm and friendly to the hearing officer and other staff, provides robust answers to questions, and seems to listen closely to the hearing officer's instructions. The school district's representative is a black woman. The school district representative seems very formal. She provides short answers and does not offer much detail. She seems to skirt eye contact and almost seems distracted. The hearing officer finds the mother's case to be very compelling.

- How might implicit bias, racial anxiety, or stereotype threat be showing up in this situation?
- Who is affected, and why?
- What interventions could be applied in this situation?

#5

A case is being heard by a hearing officer for the first time, after several weeks of delay. Upon first walking into the room, the hearing officer stops suddenly and says to the parent, "Oh. . . you're back. You were here earlier this year, right?" The parent, a Latino man, replies, "No, this is my first time here." He's visibly annoyed and assumes the hearing officer mistook him for someone else. The hearing officer stammers and says, "I apologize – you remind me of someone. Please tell me about your case." The school district representative remains silent. The man then describes his complaint. The hearing officer doesn't ask many follow up questions throughout the parent's testimony and seems distracted. The parent leaves worried that the hearing officer does not understand the full story behind his complaint.

- How might implicit bias, racial anxiety, or stereotype threat be showing up in this situation?
- Who is affected, and why?
- What interventions could be applied in this situation?