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EVIDENCE FROM LAW STUDENT PERFORMANCE

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**Peer Effects in Affirmative Action:
Evidence from Law Student Performance**

By John R. Lott, Jr. & J. Mark Ramseyer*

Abstract: In the Grutter case, Justice O'Connor suggested that universities could justifiably try to enroll a "critical mass" of minority students. Enroll fewer than that "critical mass," reason some observers, and minority students will feel too marginalized to perform at their highest levels. In this article, we test whether minority students perform better with other students from their ethnic group in a class or school. To do so, we assemble data on the ethnicity and performance of each student in all classes at two law schools -- for three years at one, and for sixteen years at the other. We find no consistent evidence that having additional students from one's ethnic group raises a student's performance. Instead, we find some evidence that having additional ethnic peers lowers performance -- albeit by a very small amount.

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I. Introduction

The patterns of affirmative action in modern professional schools raise questions about peer effects on student performance. By the very definition of affirmative action, minority students tend to enter the schools less prepared than their peers. They may also tend to self-segregate.¹ Given these two phenomena, how might the number of minority students in a school (or classroom) affect academic performance?

Plausibly, the peer effects could cut either way. By some accounts, minority students in schools (or classrooms) with fewer students from their ethnic group feel marginalized in ways that discourage them from succeeding. The fewer the minority students in a school (or classroom), the lower the minority student performance.

Yet, at least hypothetically, minority students in schools (or classrooms) with fewer other minority students might perform better. If a school (or classroom) includes a large number of minority students, those students might choose to study primarily with each other. By inducing them to study with their (by definition) better-prepared non-affirmative action peers, a school (or classroom) with fewer minority students might cause minority students to perform at higher levels.

We use data from student performance at two law schools (one for three years, one for sixteen) to test these cross-cutting potential effects. From these schools, we received student grades broken down by ethnicity and by course. We then ask whether the level of minority student performance changes with the number of other minority students in the school (or classroom). We find no consistent evidence that having additional students from one's ethnic group raises a student's performance. Instead, we find some evidence that having additional ethnic peers lowers performance -- albeit by a very small amount.

II. Peer Effects in Affirmative Action

Over the past four decades, university faculty and administrators have justified affirmative action in a variety of ways. Initially, some appealed to what they saw as the need to rectify the legacy of slavery. When courts rejected the approach, they turned instead to Lewis Powell's approving reference in Bakke to "diversity."² With Sandra Day O'Connor's endorsement in Grutter, the phrase acquired totemic status.³ William G. Bowen and Derek Bok claim, "virtually every selective college and professional school

¹ This may occur by the actions of the students (Art McFarland, Self Segregation in School Cafeterias?" WABC-New York, March 27, 2006 (http://abclocal.go.com/wabc/story?section=our_schools&id=4029353&ft=print)) or by parents when they decide where to send their children to school (Suhrid S. Gajendragadkar, The Constitutionality of Racial Balancing in Charter Schools, __ Colum. L. Rev. 144 (2006).

² Bakke v. Regents of University of California, 438 U.S. 265, 311-13 (1978); Sanford Levinson, Diversity, 2 U. Pa. J. Const. L. 573, 578 (1999-2000) (rhetorical switch to "diversity" rationale as a variation on "Simon Says"). See generally Peter H. Schuck, Affirmative Action: Past, Present and Future, 20 Yale L. & Pol'y Rev. 1, 34 (2002) (diversity as a "rhetorical Hail Mary pass, an argument made in desperation when all other arguments for preferences have failed").

³ Grutter v. Bollinger, 539 U.S. 306 (2003).

has affirmed the value of race as an important aspect of diversity in broadening the education of students."⁴

Speaking for a generation of university administrators, Bowen and Bok suggest that the benefits to diversity accrue to white and minority students alike. "Race almost always affects an individual's life experiences and perspectives, and thus the person's capacity to contribute to the kinds of learning through diversity that occur on campuses," explain the two. "This form of learning will be even more important going forward than it has been in the past."⁵ All students learn best, they write, when they learn in a classroom that reflects the diverse racial composition of American society.

Proponents of race-sensitive admission policies add that students earn a significant market premium from attending a selective college.⁶ Critics, however, argue that the policy sets up minority students for failure: enrolled at schools for which they have less preparation than their non-minority peers, they less often graduate.⁷ Within the legal community, they then less often pass the bar.⁸

Fundamentally, African-American students still perform at levels substantially below those of their white peers. Disproportionately, in U.S. law schools they perform at levels that place them near the bottom of the class. As Ian Ayres and Richard Brooks summarized the situation, "the average black law student's grades are jaw-droppingly low. With the exception of traditionally black law schools (where blacks still make up 43.8 % of the student body), the median black law school grade point average is at the 6.7 percentile of white law students. This means that only 6.7% of whites have lower grades than 50% of blacks. One finds similar results if look at the other end of the distribution -- only 7.5% of blacks have grades that are higher than the white median."⁹

O'Connor endorsed the need to ensure for minority students a "critical mass."¹⁰ Given the often-repeated claim that students learn best when not marginalized, might the current African-American performance levels suggest that law schools have yet to reach that critical mass? Some studies do claim, for example, that African-American students

⁴ William G. Bowen & Derek Bok, *The Shape of the River: Long-term Consequences of Considering Race in College and University Admissions* 252 (Princeton: Princeton University Press, 1998).

⁵ Bowen & Bok, *supra* note, at 279.

⁶ E.g., Caroline Hoxby, *The Return to Attending a More Selective College: 1960 to the Present*, in M. Devlin & J. Meyerson, eds., *Forum Futures: Exploring the Future of Higher Education*, 2000 papers, 3, 13-42 (New York: Jossey-Bass, 2001); D.J. Brewer & Ronald G. Ehrenberg, *Does It Pay to Attend an Elite Private College? Evidence from senior class of 1980*, in S. Polacheck, ed., *Research in Labor Economics*, 15, 239-71 (Greenwich, CT: JAI Press, 1996); Audrey Light & W. Strayer, *Determinants of College Completion: School Quality or Student Ability?*, 35(2) *Journal of Human Resources* 299-332 (2000).

⁷ Stephan Thernstrom & Abigail Thernstrom, *America in Black and White: One Nation Indivisible* (New York: Simon & Schuster, 1999); Stephan Thernstrom & Abigail Thernstrom, *Book Review: Reflections on The Shape of the River*, 46 *UCLA Law Review* 1583-1631 (1999).

⁸ Richard H. Sander, *A Systematic Analysis of Affirmative Action in American Law Schools*, 57 *Stan. L. Rev.* 367 (2006).

⁹ Ian Ayres & Richard Brooks, *Does Affirmative Action Reduce the Number of Black Lawyers?*, 57 *Stan. L. Rev.* __, __ (2004). See generally Richard H. Sander, *A Systemic Analysis of Affirmative Action in American Law Schools*, 57 *Stan. L. Rev.* 367 (2004).

¹⁰ *Grutter*, 539 U.S. at 316.

learn better at the historically Black universities than elsewhere.¹¹ If minority students learn better when in a school (or classroom) with a large number of other minority students, might African-American students today perform poorly because they still number too few? Without other peers of their same race, might those minority students who do attend law school find themselves isolated – unable to learn because they have no support system with which to do so?¹²

Yet, as mentioned, the peer effects just as plausibly cut in the other direction. As anyone who has visited a university cafeteria knows, American students segregate voluntarily. As Justice Thomas put it, "There's a lot of discomfort with learning from each other. ... [But if] others are comfortable with being over here, while you're comfortable with being over there, it makes it less likely that learning will occur."¹³ At the university level, surveys locate substantial levels of this self-segregation.¹⁴ And at the secondary school level, as one literature review put it, black students form "peer groups that disengage from academic competition."¹⁵ Conclude Seymour Martin Lipset and his colleagues, as "the proportion of black students enrolled at the institution rose, student satisfaction with their university experience dropped, as did assessments of the quality of their education, and the work efforts of their peers."¹⁶

Consider the implications that this self-segregation poses for study patterns. Suppose (it follows from the definition of affirmative action) that minority students are disproportionately less well-prepared than their peers. If a law school (or classroom) enrolls few affirmative-action students, then those students may (by sheer lack of choice) study with non-affirmative action students -- and those students on average will be academically better prepared than the minority students. By contrast, if a school (or classroom) enrolls more affirmative-action students, they may choose to study with other affirmative-action students. To the extent that students learn from each other, the minority students in the school (or classroom) with more minority students will lose the benefit that would come from studying with better-prepared peers. The fewer the

¹¹ E.g., Walter R. Allen, *The Color of Success: African-American College Student Outcomes at Predominantly White and Historically Black Public Colleges and Universities*, 62 *Harv. Educ. Rev.* 45 (1992); Lamont Flowers & Ernest T. Pascarella, *Cognitive Effects of College Racial Composition on African American Students After 3 Years of College*, 40 *J. College Student Dev.* 669 (1999).

¹² The impact of these cases is now being felt in K-12 schools. In a case currently before the Supreme Court from Jefferson County, Washington, the district court in *Meredith v. Jefferson Co. Bd. of Educ.* accepted the school's argument that maintaining integration was a compelling state interest in K-12 public education. See Sonya D. Jones and Erin N. Ramsey, "Discrimination Veiled as Diversity: The Use of Social Science to Undermine the Law," *Journal of Educational Controversy*, 2 (2007).

¹³ *Business Week*, xx.

¹⁴ E.g., Janet Ward Schofield, *Maximizing the Benefits of Student Diversity: Lessons from School Desegregation Research*, in Gary Orfield & Michal Kurlaender, eds., *Diversity Challenged: Evidence of the Impact of Affirmative Action* 103 (Cambridge: Harvard University Civil Rights Project, 2001).

¹⁵ Ronald F. Ferguson, *Teachers' Perceptions and Expectations and the Black-White Test Score Gap*, in Christopher Jencks & Meredith Phillips, eds., *The Black-White Test Score Gap* 300 (1998).

¹⁶ Stanley Rothman, Seymour Martin Lipset & Neil Nevitte, *Does Enrollment Diversity Improve University Education*, 15 *Int'l J. Public Opinion Research* 8, 15 (2003).

affirmative-action students in a school (or classroom), in short, the more effectively those students may learn.¹⁷

Hence the puzzle: Do minority law students do better in schools (or classrooms) with larger numbers of other minority students? Do they learn better in schools (or classrooms) with fewer minority students? Or are peer effects really not important?

III. Data and Regression Structure

A. Data:

To examine potential peer effects, we take student performance records from two law schools. Under the terms of the confidentiality agreements imposed by the deans involved, we cannot disclose the identities of the two schools. However, in exchange for that confidentiality, we were provided not only with a complete set of each student's grades and the classes in which he earned those grades, but also information about his race and sex and the teacher who taught the class. To maintain student anonymity, each school replaced student names with random numbers. Because each student's number remained the same through his entire time in law school, however, we are able to follow him over his law school education.

With this data, we examine the effect on minority student performance of having other peers from the student's own ethnic group. More specifically, we examine the effect on the exam performance of (i) African-American, (ii) Hispanic, and (iii) Asian-American law students, of having different numbers of other students from the same ethnic group in either (a) a given classroom; (b) a course, allowing for multiple sections of the same class; or (c) the entire law school. Although we know each student's sex and, for one school, some LSAT scores, the regressions that we present use individual fixed effects that already account for all these differences.

School A is an urban law school with approximately 300 annually entering J.D. (Juris Doctor) students. School A also maintains an LL.M. (Masters of Law) program. In law school rankings, it places between the 10th and 50th place.¹⁸ It graduates over 97 percent of each entering J.D. class (Table 1). During the years in our data, only one student left during the first year, and it was not because the student was doing poorly (the student was earning an "A" average). During this time, the school enrolled about 3 percent African-American and 8 percent Hispanic J.D. students. We were provided with all the grades of the J.D. candidates who started the program from 1998 to 2000.

[Insert Table 1 about here.]

Class size at School A ranged from 2 students to 118. The class with the most African-American students had 8 (8.4 percent of the class), while there were multiple classes with either zero or one African-American. The number of Hispanic students ranged from 1 in multiple classes to 17 (14.4 percent). The median grade African-American and Hispanic grade was a "B" during a student's first year of school, while the median for whites and "other" was a "B+" (Table 2).

[Insert Table 2 about here.]

¹⁷ For a study investigating this possibility in the context of elementary school busing but finding limited evidence for it in one program, see Joshua D. Angrist & Kevin Lang, Does School Integration Generate Peer Effects? Evidence from Boston's Metco Program (SSRN id 491482; January 2004).

¹⁸ http://www.usnews.com/usnews/edu/grad/rankings/law/brief/lawrank_brief.php

In contrast, School B is a smaller school, and maintains no substantial LL.M. program. For the first year classes between 1985 and 2000, it enrolled on average about 140 J.D. students each year -- 2 percent African-American and 2 percent Hispanic, Mexican American, or Puerto Rican. In the U.S. News law school rankings, it typically places much lower than School A.¹⁹ During the years we studied, only 83 percent of the students made it to the second year. The dropout rate varied by race: 90.4 percent of whites and 93 percent of Native Americans advanced to the second-year class, but only about 76 percent of the African-American students and 82 percent of the Hispanic students advanced (Table 3B).

[Insert Table 3 about here.]

The class sizes at School B ranged from 2 students to 151. Yet, similarly to School A, the class with the most African-American students had 7 (6.1 percent of the class). There were multiple classes with only one African-American student. The number of Hispanic students ranged from 1 to 5 (6 percent) (this adds together those who classify themselves as Hispanic, Mexican American, or Puerto Rican). School B awards far fewer “A’s” than School A. Only 8.9 percent of the first year grades are some type of “A” as compared to School A where 24.4 percent of the grades were “A’s” (Table 4). The median first-year grade for African-Americans, Asians, and Hispanics is a “C+,” lower than the “B-“ for whites, those who identify themselves as Mexican Americans, foreign students, or “other.”

[Insert Table 4 about here.]

B. Regression Structure:

The simplest way to explore peer effects would be to try to calculate how a student’s grade in a particular class varies with the number of other students of the same race. Obviously, though, we want to ensure that the results do not simply reflect the quality of the student, the types of classes that he chose to take, the professors who taught them, or a general change in grading over time. For example, certain professors may have a reputation for awarding a large number of high grades; when a large number of students of a particular type enrolled, they may have tended to be unusually strong or weak; and grades may inflated or deflated over time.

Fortunately, there is an easy method to deal with these concerns: separate fixed-effects for students, classes, professors, and semesters. By following a student as he goes through the school, the fixed effect will account for his ability to do well in law school. This measure is much better than any measure that we could obtain from either the student’s LSAT scores or undergraduate GPA. This occurs because the fixed effect is pulling out the student’s average grade in law school and the race variable is picking up deviations from the average grade for the other students of the same race (indeed, since neither the LSAT nor the fixed effect changes over the time that the student is in school, one cannot simultaneously control for both). As we follow a student through his classes, we thus can see how well he does as the number of students of the same race (or other races) varies -- holding constant differences in class, professor, and year.

While checking individual classes might be the most obvious way to examine the impact of race, it is not the only way that the race of fellow students might affect a

¹⁹ http://www.usnews.com/usnews/edu/grad/rankings/law/brief/lawrank_brief.php

student's grade. Even if two students of the same race attend different sections of a course, for example, they may study together or help each other with questions and thus perform better on tests. And if the "critical mass" proponents are right, simply having other students of the same race in the school at the same time might help a student perform. Because of these possibilities, we examine the possible impact of race at the classroom, course, and school levels.

School B, which provided us sixteen years of data, went through several different grading scales. Nonetheless its administrators gave us a detailed conversion scale they use to compare transcripts over time. Rather than the letter grades, we used this scale in regressions for both schools (see Table 5). School A did not change its grading policies over time examined. Note that School B does not give grades of "D+" and "D-."

[Insert Table 5 about here.]

IV. Results

A. Figures:

We begin with some simple graphs showing how grades vary for African-Americans and whites at both the classroom and course level as the number of African-Americans increases. The bottom two lines show the average grades for the African-American students (gaps in the lines appear when there are no observations for that number of African-American students in the classroom or course). In neither Figure 1 nor Figure 2 do African-American grades increase with the number of African-Americans. Instead, if anything, they fall.

[Insert Figures 1 and 2 about here.]

Of course, these figures do not control for other factors. As a result, the apparently negative relationship between the number of African-American students and their grades could simply reflect the fact that the classes with the largest number of African-American students are first year classes -- and grades in these classes are lower. Nevertheless, it is hard to see any positive relationship between the number of students and their grades, even in classes with one to three or four African-Americans.

Figures 3 and 4 show a similar relationship between the number of Hispanic students in a classroom or course and their grades. For School B, Figure 4 aggregates as Hispanic all those who identify themselves as either Hispanic, Mexican American, or Puerto Rican. If anything, the relationship here is even more clearly negative for all eight lines, especially when going from one Hispanic student to more than one.

[Insert Figures 3 and 4 about here.]

B. Regressions:

We present three sets of regressions using Ordinary Least Squares. The first is the simplest: the effect on grades of having more students of one's own race in a classroom, course, or school (Table 6). Note that we account for the number of students in the classroom, and use fixed effects for professors, students, classroom, and semester. We account for the number of students in a classroom to see if the proportion of the class that is of different races matters (dropping the variable tends to make the impact of more minority students on the grades of those minority students even more negative). Because we only have the entering class characteristics for 1998, 1999, and 2000 at School A, we

have school level racial characteristics for all students only for 2000. We do not have that problem at School B since we have data for 16 years.

In Table 7, we combine all the variables from the separate Table 6 regressions into one regression for each school. For School A, that means we have a regression that simultaneously controls for the classroom and course racial characteristics. For School B, that means simultaneously controlling for classroom, course and school effects. Finally, we examine the cross effect of race (Table 8): the impact that more students of a particular group has on the grades of other groups.

[Insert Table 6 about here.]

Begin with Table 6. While 14 of the 35 race based coefficients are statistically significant, it is hard to see any consistent pattern across the schools. School B provides evidence at both the classroom and course level that more African-Americans, Asians, and Hispanics reduce, not increase, the grades for students within their own group. Nevertheless, both effects (while sometimes statistically significant) are relatively small. An additional seven African-Americans in a classroom lowers the average African-American's grade from a solid B- to a solid C+. It takes 9 more Hispanics (at the course level) and over 21 more Asians in a classroom or a course to produce the same reduction in their grades. Any of these changes in the number of students only explains a tiny fraction of the variation in grades. Indeed, a one standard deviation in these variables explains less than one percent of a standard deviation of the grades.

These results cannot be explained by minority students dropping out of school after the more difficult first year classes. At School A, students do not drop out. More importantly, the fixed classroom effects will account for whether the class is for first year or second and third year students -- the class fixed effects will account for how difficult the different classes are.

The only minority students who seem to benefit from having more students from that group in a course or school are those who identify themselves as Mexican American. Again, however, with a maximum of three such self-identified students in a course, the size of the impact is miniscule. Changes in the number of Mexican Americans in a classroom explain just a tiny fraction of one percentage point of the change in Mexican American grades.

These results imply that if we are to find any impact on Hispanics, we will need to disaggregate the students as much as possible. One School B representative did tell us that students who classify themselves as Mexican American are not obviously ethnically distinct from those who identify themselves as Hispanic. Specifications 6 through 8 imply that if we aggregate all Hispanics the significant relationships between the number of Hispanics or Mexican Americans and grades disappear.

We also re-estimated specifications 1 and 3 in Table 6 using Ordered Logits (see Appendix 1). While the coefficients indicate that increasing the number of African-Americans in a class again reduces the grades of African-Americans for both schools the coefficients are only statistically significant for School A. The differences between the impact of more whites on white grades is not statistically significantly different from the impact of either African-Americans on African-Americans or Asians on Asian grades. Hispanics show different effects in the two schools, but in both cases the relationship is statistically insignificant.

[Insert Tables 7 and 8 about here.]

Combining the effects for classroom, course and school into one regression reduces what little support there had been for positive peer effects among Mexican Americans (see Table 7). While an increase in the number of Mexican Americans at the course or school level implies a significant increase in grades for Mexican Americans, the reverse is true at the classroom level. We do not see any reasonable explanation for why more Mexican Americans in a classroom would lower Mexican American grades, but more Mexican Americans in a course or school would have the opposite effect.

None of the other estimates provide any evidence that more minorities increase minority grades. Eleven coefficients imply a negative relationship for minorities (though only one is statistically significant) and eight imply a positive relationship (though only two for Hispanics are significant). Overall the pattern across groups as well as the pattern within Hispanic groups seems random.

For School A, only the estimates for whites are statistically significant. The results imply that having more whites in a classroom or a course raises their grades. This effect too, however, is extremely small.

Finally, in Table 8 we break down all the possible interactions between the races shown in Table 7. We examine, for example, not only the impact of more African-Americans on African-Americans, but also on Hispanics, Asians, and African-Americans. The table provides tests for 99 combinations that do not include whites. Of those 99, 12 are statistically significant at least at the 10 percent level for a two-tailed t-test, with 6 implying more minorities decrease minority grades and 6 implying that they increase them.

Even where statistically significant, the results are not always consistent across schools: for example, in row 8 for School A having more Hispanics in a classroom increase an Asian student's grades, but the reverse is implied for School B. The effects are also very small: even when they are statistically significant they continue to explain only a fraction of a percent of the variation in student grades. Overall, the results reflect what one would expect if they were simply random.

V. Conclusion

Would having additional students from one's ethnic group in class help a student perform? To explore the impact of such peer effects, we obtain student-level data at two law schools (3 years at one, 16 years at the other). We then follow a student's grades from class to class to see how they vary as the racial composition of the class changes. Even after accounting for how difficult individual classes or professors are and the quality of individual students, we find no consistent evidence that having additional students from one's ethnic group raises a student's performance. Instead, we find some evidence that for African-Americans having additional ethnic peers lowers performance - - albeit it is by a very small amount.

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Table 1: Attrition Rates by Race and Sex Who Entered School A During 1998 to 2000									
A) Number of Students									
		Semester that Student Left Law School							
	Total Students	First Year		Second Year		Third Year			
		First	Second	Third	Fourth	Fifth	Sixth	Seventh	
White	621	1	0	0	14	32	573	1	
Asian	97	0	0	0	1	5	91	0	
African-American	28	0	0	0	1	1	26	0	
Hispanic	73	0	0	0	0	2	70	1	
Other	21	0	0	0	0	3	17	1	
No Race Information	33	0	0	0	3	1	29	0	
Male	405	1	0	0	8	23	372	1	
Total Students	873	1	0	0	19	44	806	3	
B) Percent of Students									
	Percent of total	Percent of Students who Left Law School by Race by Semester							Percent who advance to second year
White	71.1%	100%	0%	0%	73.68%	72.73%	71.1%	33.33%	99.84%
Asian	11.1%	0%	0%	0%	5.26%	11.36%	11.3%	0.00%	100.00%
African-American	3.2%	0%	0%	0%	5.26%	2.27%	3.23%	0.00%	100.00%
Hispanic	8.4%	0%	0%	0%	0.00%	4.55%	8.68%	33.33%	100.00%
Other	2.4%	0%	0%	0%	0.00%	6.82%	2.11%	33.33%	100.00%
No Race Information	3.8%	0%	0%	0%	15.79%	2.27%	3.60%	0.00%	100.00%
Male	46.4%	100%	0%	0%	36.36%	52.27%	46.2%	33.33%	99.75%
Grade		87.67	0	0	82.27	81.83	81.67	82.60	

Table 2: Grade Distribution for First Year Students by Race and Sex Who Entered School A During 1998 to 2000								
	Asian	African-American	Hispanic	White	Other	No Race Information	Male	Overall
A+	0.6%	0.4%	1.5%	1.9%	1.6%	0.0%	2.3%	1.7%
A	4.7%	2.4%	3.5%	9.3%	13.1%	0.0%	9.1%	8.3%
A-	10.9%	6.3%	7.7%	16.0%	15.8%	12.5%	15.3%	14.4%
B+	26.5%	25.1%	24.3%	29.9%	27.3%	25.0%	28.9%	28.7%
B	27.3%	27.5%	27.5%	22.0%	17.5%	50.0%	22.0%	23.3%
B-	11.7%	17.3%	15.6%	6.7%	8.2%	0.0%	7.8%	8.4%
C+	5.2%	5.9%	4.9%	2.2%	2.2%	0.0%	2.5%	2.9%
C	1.5%	2.0%	2.0%	0.5%	2.2%	0.0%	0.6%	0.7%
C-	0.5%	1.2%	1.2%	0.3%	0.5%	0.0%	0.4%	0.4%
D	0.2%	0.4%	0.5%	0.1%	0.0%	0.0%	0.1%	0.2%
Pass	11.0%	11.8%	11.4%	11.0%	11.5%	12.5%	11.0%	11.0%

A) Number of Students											
	Total Students	Semester that Student Left Law School by Race and by Semester									
		First Year		Second Year		Third Year		Seventh	Eighth	Ninth	
		First	Second	Third	Fourth	Fifth	Sixth				
Asian	112	0	13	1	1	1	88	2	4	2	
Pacific Islander	24	0	4	1	0	0	18	0	0	1	
African-American	45	1	10	0	2	1	27	3	1	0	
Native American	21	0	2	0	2	0	16	0	2	0	
Hispanic	43	0	9	0	0	0	33	0	1	0	
Mexican American	12	0	0	1	0	0	8	1	1	1	
Puerto Rican	1	0	1	0	0	0	0	0	0	0	
White	1801	27	146	16	70	65	1372	35	60	11	
Foreign Student	24	1	3	1	0	0	15	1	2	1	
Resident Alien	2	0	0	0	0	1	1	0	0	0	
Other Race	3	0	0	0	1	0	2	0	0	0	
No Race Information	285	9	19	1	9	12	222	4	6	3	
Male	1452	22	131	12	51	48	1090	29	57	12	
Total Students	2373	38	207	21	85	80	1802	46	77	19	

B) Percent of Students											
	Percent of total	Percent of Students who Left Law School by Race and by Semester									Percent advancing to 2nd year
		First	Second	Third	Fourth	Fifth	Sixth	Seventh	Eighth	Ninth	
Asian	4.7%	0.0%	6.3%	4.8%	1.2%	1.3%	4.9%	4.3%	5.2%	10.5%	88.39%
Pacific Islander	1.0%	0.0%	1.9%	4.8%	0.0%	0.0%	1.0%	0.0%	0.0%	5.3%	83.33%
African-American	1.9%	2.6%	4.9%	0.0%	2.4%	1.3%	1.5%	6.5%	1.3%	0.0%	75.56%
Native American	0.9%	0.0%	0.7%	0.0%	2.4%	0.0%	0.9%	0.0%	2.6%	0.0%	93.02%
Hispanic	1.8%	0.0%	4.4%	0.0%	0.0%	0.0%	1.8%	0.0%	1.3%	0.0%	79.07%
Mexican American	0.5%	0.0%	0.0%	4.8%	0.0%	0.0%	0.4%	2.2%	1.3%	5.3%	100.00%
Puerto Rican	0.0%	0.0%	0.5%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.00%
White	75.9%	71.1%	70.6%	76.2%	82.4%	81.3%	76.1%	76.1%	77.9%	57.9%	90.42%
Foreign Student	1.0%	2.6%	1.5%	4.8%	0.0%	0.0%	0.8%	2.2%	2.6%	5.3%	83.33%
Resident Alien	0.1%	0.0%	0.0%	0.0%	0.0%	1.3%	0.1%	0.0%	0.0%	0.0%	100.00%
Other Race	0.1%	0.0%	0.0%	0.0%	1.2%	0.0%	0.1%	0.0%	0.0%	0.0%	100.00%
No Race Information	12.0%	23.7%	9.2%	4.8%	10.6%	15.0%	12.3%	8.7%	7.8%	15.8%	90.18%
Male	61.2%	57.9%	63.8%	57.1%	60.0%	60.0%	60.5%	63.0%	74.0%	63.2%	89.43%
Grade Point Average	76.25	71.00	73.45	72.73	75.17	76.17	76.77	75.96	76.83	75.21	

Table 4: Grade Distribution for First Year Students by Race and Sex Who Entered School B During 1985 to 2000*

	Asian	Pacific Islander	African- American	Native Amer.	His- panic	Mexican American	White	Foreign Student	No Race Infor	Other Race	Male	Overall Grade Distrib.
A+	0.0%	0.0%	0.1%	0.0%	0.0%	0.0%	0.2%	0.0%	0.1%	0.0%	0.1%	0.1%
A	0.8%	0.5%	1.2%	1.6%	1.0%	1.1%	2.3%	5.0%	2.1%	0.0%	1.9%	2.2%
A-	4.7%	3.9%	3.1%	4.9%	3.9%	4.2%	7.0%	9.0%	6.5%	0.0%	6.4%	6.6%
B+	6.2%	5.9%	6.4%	10.8%	7.0%	10.5%	11.0%	10.1%	11.2%	0.0%	10.3%	10.5%
B	11.9%	10.3%	12.9%	15.7%	10.9%	16.8%	17.0%	14.1%	15.3%	0.0%	16.2%	16.2%
B-	15.0%	16.7%	14.0%	14.1%	14.7%	18.9%	16.1%	13.6%	15.7%	8.0%	15.8%	15.9%
C+	16.8%	19.1%	14.5%	20.5%	13.4%	17.9%	15.7%	10.1%	14.7%	24.0%	15.6%	15.6%
C	20.0%	15.2%	18.3%	12.4%	20.9%	20.0%	13.5%	11.6%	14.1%	32.0%	14.4%	14.1%
C-	10.3%	14.2%	12.7%	8.6%	10.9%	5.3%	6.8%	12.1%	7.2%	12.0%	7.3%	7.4%
D+	5.6%	8.3%	5.5%	2.2%	5.2%	3.2%	2.7%	5.5%	2.3%	8.0%	3.1%	3.0%
D	2.7%	2.9%	3.6%	1.6%	2.8%	2.1%	1.1%	1.5%	0.7%	16.0%	1.4%	1.3%
D-	0.1%	0.0%	0.8%	1.6%	0.8%	0.0%	0.2%	2.0%	0.2%	0.0%	0.3%	0.3%
Pass	5.8%	2.9%	6.8%	5.9%	8.5%	0.0%	6.5%	5.5%	9.8%	0.0%	7.2%	6.8%

Table 5: Relationship between Letter Grades and Numerical Scores	
Letter Grades	Numerical Scores
A+	90
A	88.5
A-	84.5
B+	81
B	78
B-	75.5
C+	73.5
C	71
C-	68
D+	65
D	61.5
D-	57.5

Figure 1: Comparing Grades for Blacks and Whites as the Number of Blacks in Their Class or Course Increases (School A)

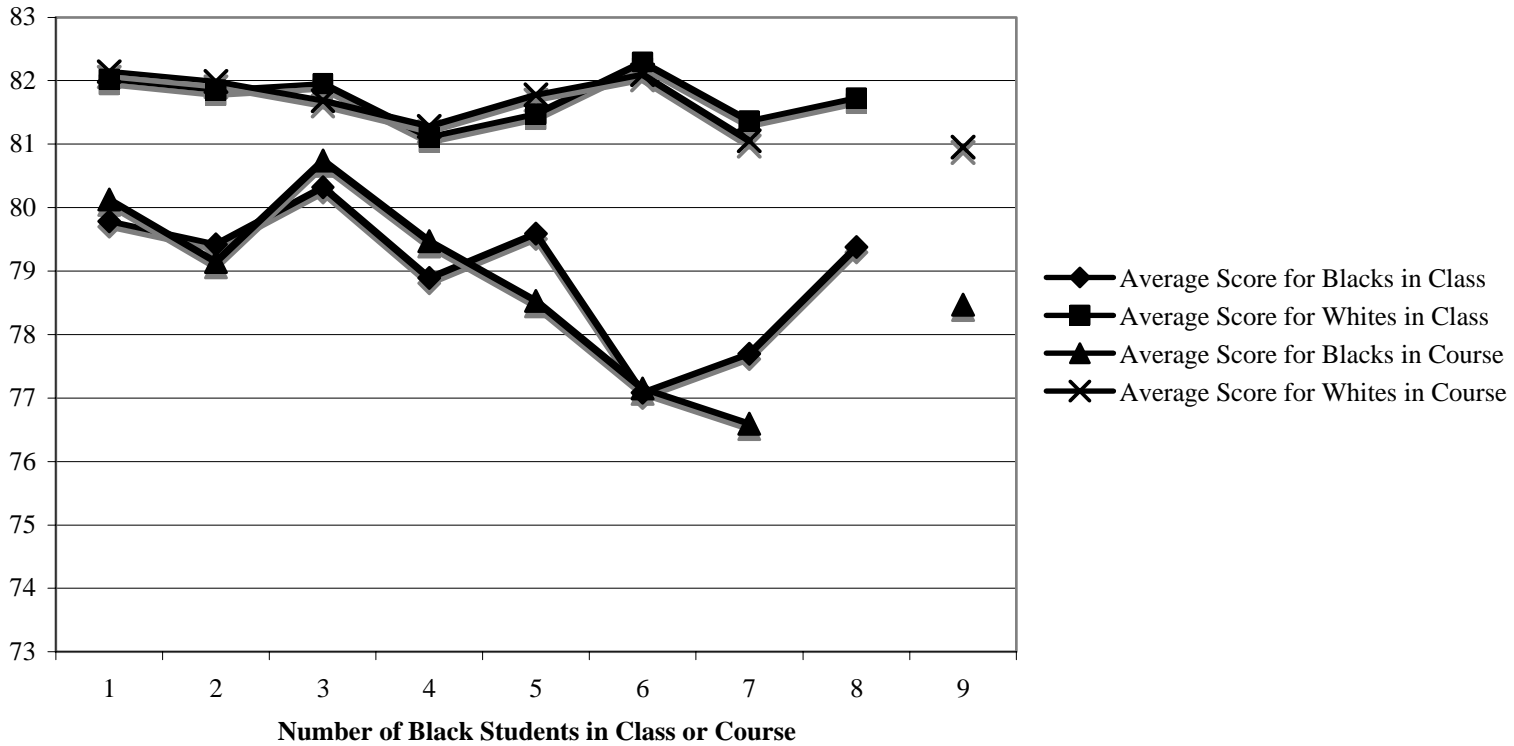


Figure 2: Comparing Grades for Blacks and Whites as the Number of Blacks in Their Class or Course Increases (School B)

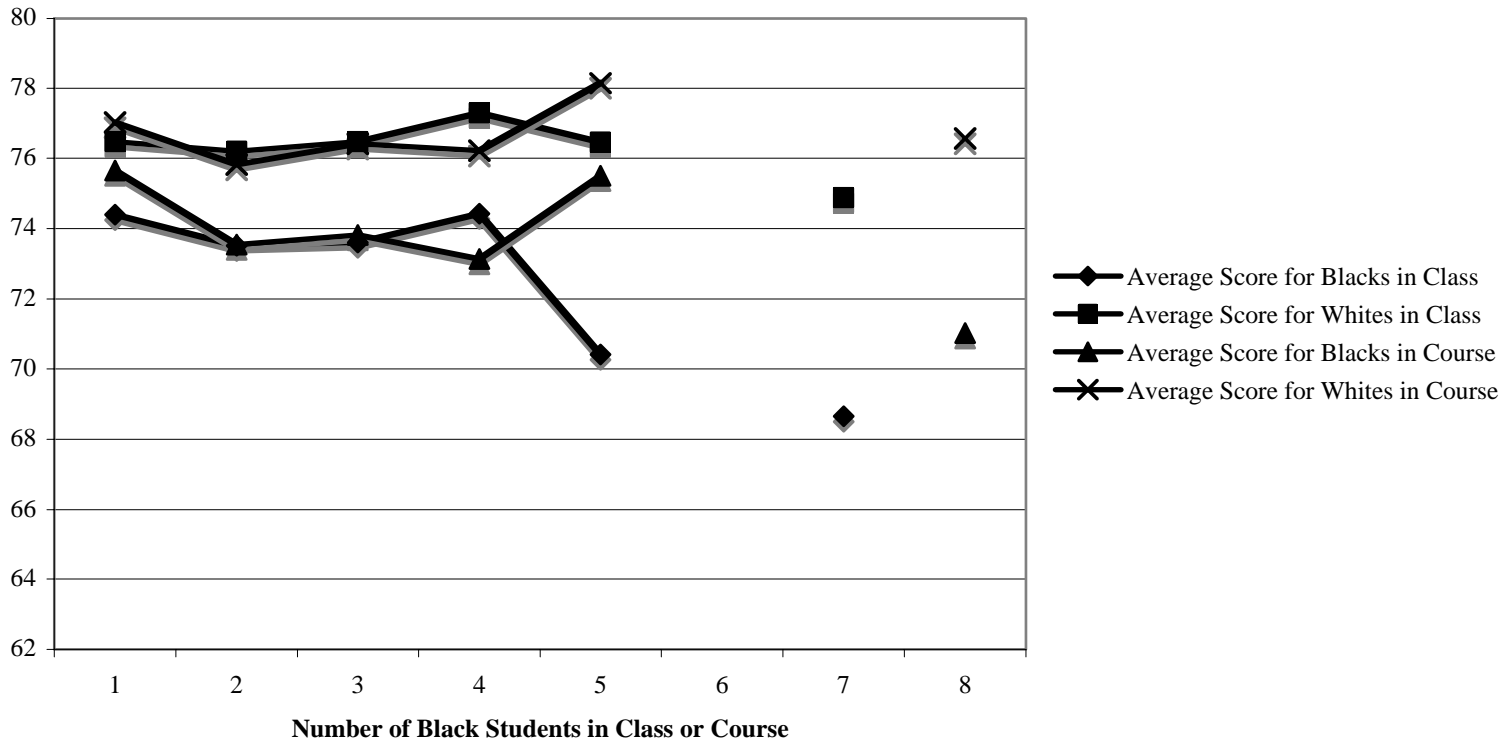


Figure 3: Comparing Grades for Hispanics and Whites as the Number of Hispanics in Their Class or Course Increase (School A)

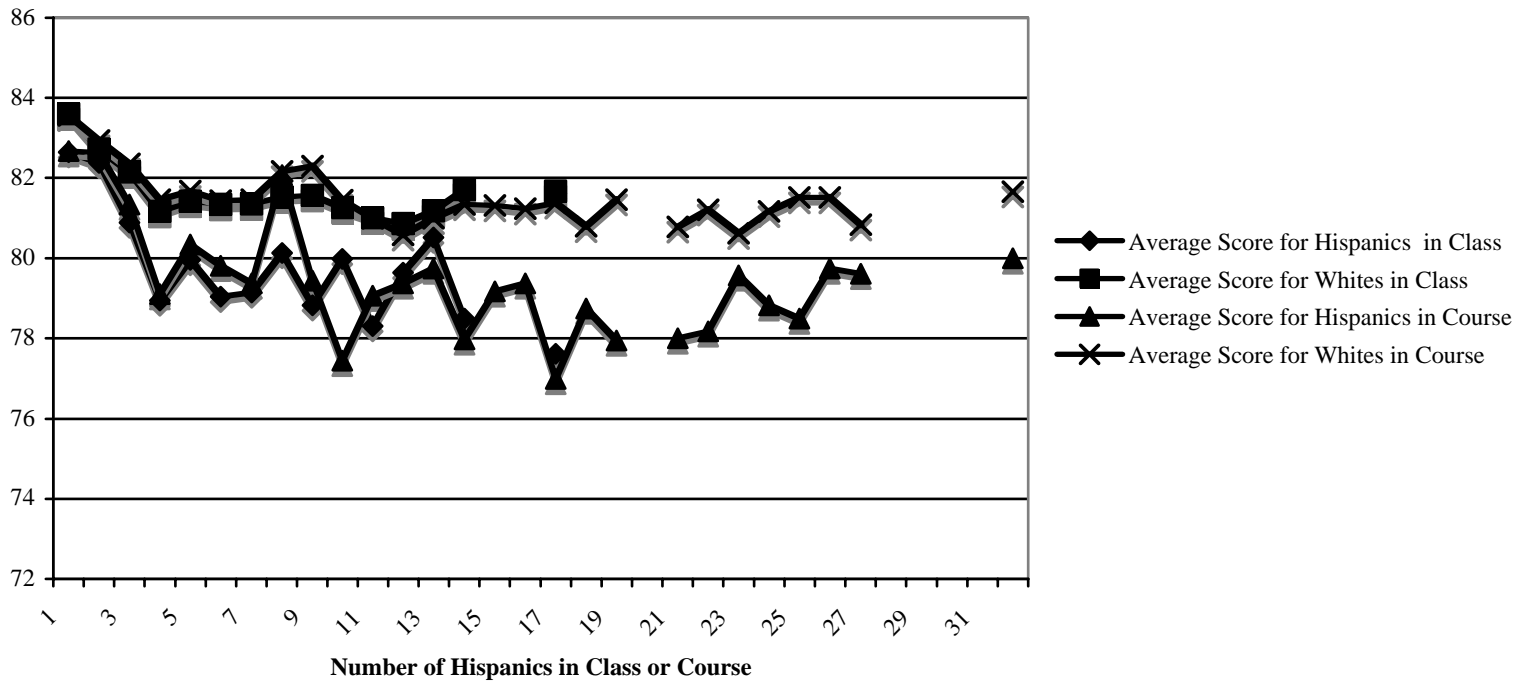


Figure 4: Comparing Grades for Hispanics (Hispanics, Mexican Americans, and Puerto Ricans) and Whites as the Total Number of Hispanics in Their Class or Course Increase (School B)

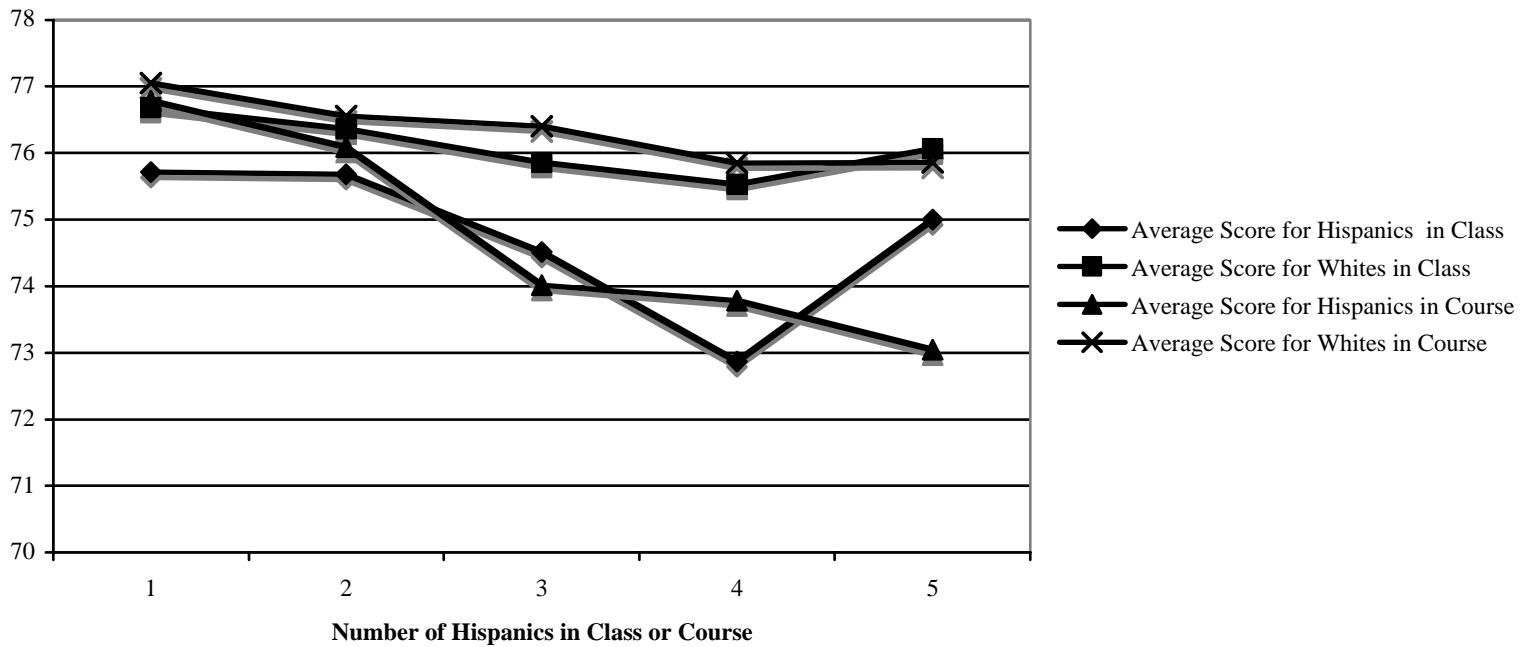


Table 6: Examining the Impact of Fellow Student's Race on the Same Race Grades of Other Students Separately by Class, Course and School (robust absolute t-statistics are shown in parentheses)								
	School A		School B			School B (with Hispanic, Mexican American, and Puerto Rican all added together)		
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Class	Course	Class	Course	School	Class	Course	School
African American grades based on # of African Americans in category	.087 (1.00)	.0157 (0.35)	-.279 (2.24)	-.229 (2.43)	.0356 (.39)	-.276 (2.22)	-.229 (2.44)	.0336 (0.37)
Hispanic grades based on # of Hispanics in category	-.009 (0.28)	-.011 (0.73)	-.143 (1.04)	-.229 (2.05)	-.0397 (.52)	-1.39 (1.00)	-.097 (1.03)	.0501 (0.76)
Mexican American grades based on # of Mexican Americans in category			.138 (0.35)	.8029 (2.46)	.4276 (2.78)			
White grades based on # of Whites in category	.009 (2.73)	.0024 (1.63)	.001 (1.05)	.00037 (.36)	-.0026 (3.06)	.0019 (.122)	.00037 (0.36)	-.0026 (3.04)
Asian grades based on # of Asians in category	.0287 (1.07)	-.0012 (0.10)	-.094 (2.77)	-.0934 (3.78)	-.0292 (-1.51)	-.093 (2.72)	-.0935 (3.79)	-.029 (1.52)
Total number of students in category (Class, Course, or School)	-.008 (2.31)	-.0007 (0.49)	-.006 (4.31)	-.0049 (3.43)	.002 (2.37)	-.0066 (4.47)	-.0048 (3.43)	.0019 (2.28)
F-tests for Difference Between (Probability that these two coefficients are the same)								
African Americans	1.18 (.28)	0.40 (.528)	.55 (.4603)	0.00 (.9967)	.41 (.5208)	4.93 (.026)	1.03 (.3102)	0.02 (.236)

and Hispanics								
African Americans and Mexican Americans			1.03 (.3099)	9.31 (.0023)	4.88 (.0271)			
African Americans and Whites	0.81 (.37)	0.09 (.763)	5.11 (.0238)	5.94 (.0148)	.17 (.6768)	5.01 (.025)	5.97 (.0145)	0.16 (.6929)
African Americans and Asians	0.34 (.56)	0.16 (.686)	2.09 (.1479)	2.01 (.1566)	.49 (.4843)	2.06 (.1507)	2.02 (.1553)	0.46 (.4965)
Hispanic Americans and Mexican Americans			.46 (.4979)	9.05 (.0026)	7.52 (.0061)			
Hispanic Americans and Whites	0.67 (.25)	0.90 (.34)	1.1 (.2933)	4.23 (.0398)	.24 (.6249)	1.50 (.2214)	1.08 (.298)	0.64 (.4226)
Hispanic Americans and Asians	1.13 (.29)	0.52 (.47)	.12 (.7304)	1.45 (.2278)	.02 (.8914)	7.39 (.0066)	0.00 (.9686)	1.40 (.2360)
Mexican Americans and Whites			.12 (.7283)	6.05 (.0139)	7.85 (.0051)			
Mexican Americans and Asians			.35 (.554)	7.54 (.0060)	8.79 (.0030)			
Asians and Whites	0.60 (.44)	0.11 (.735)	8.12 (.0044)	14.79 (.0001)	1.95 (.1631)	7.88 (.005)	14.84 (.0001)	1.98 (.1592)
Number of Observations	18,083	18083	68178	68178	68178	68178	68178	68178
F-statistic	15.04	15.04	16.13	16.14	16.07	15.98	15.98	15.92
Adj R-squared	.4220	.4219	.3962	.3962	.3960	.3961	.3961	.3944
Fixed Student Effects	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Fixed Professor Effects	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Fixed Class Effects	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Fixed Semester Effects	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Table 7: Examining the Impact of Fellow Student's Race on the Same Race Grades of Other Students Simultaneously Examining Effects by Class, Course and School (the first two columns of estimates in the next three columns each represent one regression each) (robust absolute t-statistics are in parentheses)

	Regression for School A (Specification 1)		Regression for School B (Specification 2)	
	Class	Course	Class	Course
African American grades based on # of African Americans in category	.1238 (1.01)	-.034 (0.55)	-.1507 (.99)	-.175 (-1.51)
Hispanic grades based on # of Hispanics in category	.0137 (0.30)	-.0175 (0.86)	.04045 (.23)	-.234 (-1.62)
Mexican American grades based on # of Mexican Americans in category			-1.0296 (1.95)	1.105 (2.51)
White grades based on # of Whites in category	.0077 (1.55)	-.00005 (0.02)	.0022 (1.15)	-.0002 (-0.18)
Asian grades based on # of Asians in category	.0561 (1.52)	-.0183 (1.16)	-.026 (.61)	-.0782 (-2.52)
Grades based on size of category	-.0089 (2.05)	.0017 (0.87)	-.006 (-3.25)	-.0008 (-0.44)
F-tests for Difference Between				
African Americans and Hispanics	0.75 (.3860)	0.08 (.7762)	.68 (.41)	.11 (.74)
African Americans and Mexican Americans			2.59 (.11)	8.02 (.0046)
African Americans and Whites	0.90 (.3417)	0.31 (.5753)	1.01 (.31)	2.27 (.1319)
African Americans and Asians	0.30 (.5847)	0.07 (.7843)	.64 (.42)	.68 (.4106)
Hispanic Americans and Mexican Americans			3.72 (.05)	8.48 (.0036)
Hispanic Americans and Whites	0.02 (.8919)	0.84 (.3606)	.05 (.83)	2.63 (.1046)
Hispanic Americans and Asians	0.71 (.3988)	0.00 (.9652)	.13 (.71)	1.16 (.2815)
Mexican Americans and Whites			3.83 (.05)	6.32 (.0120)
Mexican Americans and Asians			3.62 (.06)	7.25 (.0071)
Asians and Whites	1.97 (.1603)	1.59 (.2068)	.45 (.5)	6.52 (.0107)
Number of Observations	18083		68178	
F-statistic	14.85		15.72	
Adj R-squared	.4220		.3965	
Fixed Student Effects	Yes		Yes	
Fixed Professor Effects	Yes		Yes	
Fixed Class Effects	Yes		Yes	
Fixed Semester Effects	Yes		Yes	

Table 8: Examining the Impact of Fellow Student's Race on Grades Across Races: Simultaneously Examining Effects by Class, Course and School (the first two columns of estimates and the next three columns each represent one regression each) (robust absolute t-statistics are shown in parentheses)					
	Regression for School A (Specification 1)		Regression for School B (Specification 2)		
	Class	Course	Class	Course	School
1) African American grades based on # of African Americans in category	.1443861 (.85)	.0006799 (0.00)	-.0538248 (.36)	0.1171326 (.82)	0.2860002 (1.7)
2) Hispanic grades based on # of Hispanics in category	.2231218 (3.43)	-.0464048 (- 1.04)	.0076291 (.05)	0.1345178 (.78)	-0.0633107 (.47)
3) Mexican American grades based on # of Mexican Americans in category			-.0542492 (.12)	0.2618631 (.57)	-0.0043529 (.01)
4) White grades based on # of Whites in category	-.010492 (.97)	-.0020845 (.33)	-.0072153 (3.58)	-0.0060382 (3.62)	-0.003051 (1.12)
5) Asian grades based on # of Asians in category	.0074382	.033347 (.60)	-.0196552 (.46)	-0.0212082 (.47)	-0.0834859 (2.01)
6) Asian grades based on # of Whites in category	-.0023492 (.15)	-.0215206 (1.89)	-.0079277 (3.74)	-0.0092985 (1.93)	0.0034929 (.75)
7) Asian grades based on # of African-Americans in category	-.0571856 (.69)	.0447506 (.70)	-.0096561 (.11)	-0.0572029 (.75)	-0.1379289 (1.8)
8) Asian grades based on # of Hispanics in category	.0965809 (1.65)	.0413988 (1.04)	-.1082828 (1.19)	-0.1745552 (1.87)	-0.0249902 (.29)
9) Asian grades based on # of Mexican Americans in category			.0255559 (.17)	0.1182428 (.83)	0.2824154 (3.09)
10) Asian grades based on # of Pacific Americans in category			-.0701721 (.65)	0.0765507 (.68)	-0.16107 (1.57)
11) Asian grades based on # of Foreigners in category			.0541225 (.46)	0.2623125 (2.26)	0.1388309 (.94)
12) White grades based on # of Asians in category	.0622484 (1.86)	-.0424947 (- 1.52)	.0521045 (3.84)	0.0197536 (1.5)	-0.0106075 (.38)
13) White grades based on # of African-Americans in category	.0099417 (.24)	.0075785 (.23)	.0831326 (3.36)	0.0761066 (3.32)	0.0897413 (1.9)
14) White grades based on # of American Indians in category			.1101507 (3.59)	0.0740171 (2.51)	-0.0805223 (.99)
15) White grades based on # of Hispanics in category	.0652779 (2.11)	.0143889 (.65)	-.012289 (.48)	0.0094079 (.37)	0.0284375 (.61)
16) White grades based on # of Mexican Americans in category			-.0363034 (.78)	-0.1283996 (2.71)	-0.0516275 (.84)

17) White grades based on # of Pacific Islanders in category			.0474503 (1.61)	0.0611793 (2.05)	0.1120737 (2.14)
18) White grades based on # of Foreigners in category			.1010509 (2.96)	0.0718945 (2.13)	-0.0759756 (.88)
19) African-American grades based on # of Whites in category	.0125977 (.42)	-.0345877 (- 1.40)	-.0002071 (.02)	-0.0143869 (1.68)	-0.0005104 (.06)
20) African-American grades based on # of Asians in category	-.2286666 (- 1.64)	.1277521 (1.04)	-.1067102 (1.21)	0.0019783 (.02)	-0.0352583 (.41)
21) African-American grades based on # of American Indians in category			-.0352577 (.18)	-0.0144318 (.08)	-0.3081405 (1.06)
22) African-American grades based on # of Hispanics in category	.0932391 (.81)	.0944858 (.122)	-.1178332 (.75)	-0.0012667 (.01)	-0.1193703 (.78)
23) African-American grades based on # of Mexican Americans in category			-.3237399 (1.27)	-0.1732378 (.73)	-0.054749 (.28)
24) African-American grades based on # of Pacific Islanders in category			-.037048 (.19)	0.1878951 (1.02)	0.1413932 (1)
25) African-American grades based on # of Foreigners in category			-.1888844 (.95)	-0.1737145 (.83)	-0.2200559 (.88)
26) Hispanic grades based on # of Whites in category	-.030077 (1.77)	-.0072623 (.56)	-.0241723 (2.59)	-0.0183872 (2.2)	0.0088366 (1.14)
27) Hispanic grades based on # of Asians in category	-.0631407 (.84)	.0140278 (.22)	.1038276 (1.10)	-0.0125281 (.13)	-0.1709601 (1.98)
28) Hispanic grades based on # of American Indians in category			.045034 (.22)	-0.0038042 (.02)	0.1040934 (.4)
29) Hispanic grades based on # of Mexican Americans in category			.199793 (.51)	0.4346319 (1.17)	0.1157857 (.56)
30) Hispanic grades based on # of African-Americans in category	-.050565 (.58)	.1410313 (2.11)	.174683 (1.05)	0.1051358 (.7)	0.0855194 (.66)
31) Hispanic grades based on # of Pacific Islanders in category			-.1738718 (.85)	-0.0628625 (.35)	-0.096567 (.74)
32) Mexican American grades based on # of Whites in category			-.0095276 (.57)	0.0029268 (.19)	0.0645887 (1.86)
33) Mexican American grades based on # of Asians in category			.058026 (.43)	-0.0094259 (.08)	-0.1720072 (.87)
34) Mexican American grades based on # of American Indians in category			.2868712 (.90)	0.0153102 (.05)	-0.6028119 (.57)
35) Mexican American grades based on # of African-Americans in category			.5504439 (2.11)	0.4969786 (1.85)	Dropped

36) Mexican American grades based on # of Pacific Islanders in category			.1582121 (.44)	0.3427652 (.96)	-0.6207345 (.68)
37) Hispanic grades based on # of Foreigners in category			.0605457 (.28)	0.0795408 (.39)	-0.0715026 (.27)
38) Mexican American grades based on # of Foreigners in category			-.4633029 (1.24)	-0.2692576 (.73)	-0.8927606 (1.66)
39) Mexican American grades based on # of Hispanics in category			-.3236924 (.82)	-0.4228513 (1.16)	-0.7749381 (1.45)
40) Grades based on size of category	-.0072626 (.76)	.0054347 (1.64)	-.0058652 (3.68)	-.0041759 (2.84)	.0023814 (2.46)
F-tests for Difference Between					
African Americans and Hispanics	.19 (.6634)	.10 (.7509)	.08 (.7835)	.01 (.9381)	2.68 (.1013)
African Americans and Mexican Americans			0.00 (.9993)	.09 (.7631)	.70 (.4042)
African Americans and Whites	.84 (.3605)	0.00 (.9845)	.1 (.7528)	.74 (.3905)	2.93 (.0868)
African Americans and Asians	.57 (.4494)	.05 (.8299)	.05 (.8245)	.85 (.3573)	4.59 (.0321)
Hispanic Americans and Mexican Americans			.02 (.8961)	.07 (.7947)	.03 (.8577)
Hispanic Americans and Whites	12.93 (.0003)	.96 (.3275)	.01 (.9294)	.67 (.4132)	.20 (.6553)
Hispanic Americans and Asians	5.40 (.0201)	1.24 (.2655)	.02 (.8747)	.77 (.3801)	.02 (.8836)
Mexican Americans and Whites			.01 (.9155)	.34 (.5590)	0.00 (.9966)
Mexican Americans and Asians			.01 (.9381)	.38 (.5390)	.07 (.7950)
Asians and Whites	.07 (.7875)	.40 (.5293)	.08 (.7721)	.11 (.7357)	3.54 (.0598)
Number of Observations	17402				
F-statistic	13.93				
Adj R-squared	.4220		.3965		
Fixed Student Effects	Yes		Yes		
Fixed Professor Effects	Yes		Yes		
Fixed Class Effects	Yes		Yes		
Fixed Semester Effects	Yes		Yes		

Table Appendix 1: Examining the Impact of Fellow Student's Race on the Same Race Grades of Other Students Separately by Class, Course and School Using Ordered Logit Regressions (absolute z-statistics reported)		
	School A	School B
	(1)	(2)
	Class	Class
African American grades based on # of African Americans in category	-.043 (1.82)	-.0093 (0.13)
Hispanic grades based on # of Hispanics in category	.0099 (1.47)	-.0064 (1.12)
Mexican American grades based on # of Mexican Americans in category		.0217 (1.13)
White grades based on # of Whites in category	-.0054 (3.65)	.00055 (0.62)
Asian grades based on # of Asians in category	-.0172 (1.28)	.0124 (0.64)
Total number of students in category (Class, Course, or School)	.0049 (1.79)	-.000018 (0.03)
F-tests for Difference Between (Probability that these two coefficients are the same)		
African Americans and Hispanics	.34 (.56)	.03 (.8534)
African Americans and Mexican Americans		.01 (.9430)
African Americans and Whites	.67 (.25)	.01 (.9050)
African Americans and Asians	.00 (.9810)	.00 (.9676)
Hispanic Americans and Mexican Americans		.02 (.8819)
Hispanic Americans and Whites	3.52 (.06)	.02 (.8992)
Hispanic Americans and Asians	.35 (.58)	.09 (.7654)
Mexican Americans and Whites		.02 (.9002)
Mexican Americans and		.00

Asians		(.9561)
Asians and Whites	.69 (.27)	.38 (.5384)
Number of Observations	18083	72598
Wald Chi-squared	1.76e+08	10.7
Pseudo R-squared	0.1760	0.072
Fixed Student Effects	Yes	Yes
Fixed Professor Effects	Yes	Yes
Fixed Class Effects	Yes	Yes
Fixed Year Effects	Yes	Yes