

**County of Kern
HUMAN RELATIONS COMMISSION-MINUTES**

**Regular Meeting
Monday July 16, 2012**

Commissioners Present: Linda Carrick(lc), Marisa Banks(mb), Tomeka Powell(tp), Carmen Bernal(cb), Marcus Mitchell (mm), Andre Taylor(at),

Commissioners Absent: Kathy Stobert, Deborah Hess, Jewelle Scales

Others Present: EEO Officer Michael Goulart (mg), Jeff Coomber, Warcester Williams, Fuchsia Ward, Donald Carter, Michael Zulfa, Maria Ortiz, Tim McKinley, Joseph Johnson, Estela Padilla, Maria Hernandez, Liz Carizalez, Tee Daniels, Kim Albers, OdisFegeires, Juan Avila, Wendy Vela, William Haywood, Norma, Roja-Moer, Jonathan Webster, Juan Lopez, Eddie Carmona, Elizabeth Aakhus, Christine Frazier, Karen Goh, Leticia Perez, and others.

Meeting called to order at 5:40 p.m.

1. **FLAG SALUTE**
2. Commissioner Mitchell welcomed community members.
3. (mm) read Human Relations Commission Mission Statement
4. **PUBLIC PRESENTATIONS:** None
5. **APPROVAL OF MINUTES**

June 18, 2012 Monthly Meeting

Motion to approve minutes as amended (lc), 2nd: (at), All Ayes

6. **NEW BUSINESS:**

- a) Discussion of Kern County expulsion rates.

(mm) The next item on the Agenda is the discussion of Kern County expulsion rates. I wanted to give a little bit of an introduction and some background information. The Commission had an opportunity to receive some information regarding the statistics for the school year of 2010-2011 regarding expulsion rates in Kern County. It appears from the statistics alone that our expulsion rate is high in Kern County.

The Commission discussed this information and reached out to the Kern High School District (KHSD) and asked if they would be willing to make a presentation at our meeting today to discuss those statistics and provide any information related to the statistics. We realize, as a commission, that the statistics don't always tell the whole story. We wanted to give the KHSD an

opportunity to speak about the statistics.

I want to keep in mind that we are here right now in the information gathering stage. We're not prepared tonight to have any kind of a debate about the statistics. We are asking KHSD to provide any information that they would like to provide. I would also like to make sure that we are being respectful in our discussions and any questions from the floor and that we are aware that this is a sensitive topic and we want to make sure that we give everyone the opportunity to speak. If you have questions that you would like to ask we would like you to hold them until the end of the presentation and then we will have an opportunity for questions. If you are going to speak or have a question please state your name as we are recording the discussion for the minutes.

At this time I would like to ask Mr. Don Carter to come forward and provide his presentation.

(Donald Carter, Kern High School District)

I would like to express my appreciation to the Commission for inviting us to be a part of this discussion. Clearly this community would like to have an educational system where all students are well behaved and valued their education to a point where we don't have to have any of this discussion about suspensions and expulsions and alternative placements for students.

I would like to start my remarks by stating that I do represent the Kern High School District which is one of 47 districts in Kern County. All 47 of those districts are under the umbrella of the Kern County Superintendent of Schools (KCSOS). Christine Frazier who is the County Superintendent is here with us tonight. I only represent one of the 47 districts that Christine gets to oversee. I also have with me Mr. Mike Zulfa who is the Assistant Superintendent for instruction. His office oversees the pupil personnel division which is in charge of student discipline for our school sites. I also have Fuchsia Ward with me who is the principal over the alternative education program. She oversees all of those programs where students might continue their education at a site other than a comprehensive high school. Worcester Williams is also with us from the KCSOS. He works closely with our district to serve those students that might need to take a time out from their placement at a comprehensive high school. So, if there are any questions about the County program we have some resources to answer those.

The KHSD is only one district of 47. We are the largest district in Kern County. We have about 37 thousand students which represents about 20% of the students in the County. We serve only students on grades 9-12. Half of the high schools in the County are in the KHSD. The other half of the high schools are in unified districts that serve kids from kindergarten through the twelfth grade. I can't speak for the other districts and the other schools but I can speak for the KHSD.

Clearly the challenge that we face is finding the balance between meeting the individual needs and educational rights of each and every student that attends our schools and balancing those against the need for a safe and secure campus. Finding that delicate point is very complex and very tricky. The rights and needs of those students that are meeting our behavioral expectations need to be protected from those students that make poor decisions and decide to not meet our behavioral expectations. A lot of effort goes into preventative and intervention kinds of strategies to help improve student behavior. The ultimate goal is not the number of expulsions or suspensions. The ultimate goal is to reduce the behaviors that lead to suspensions and expulsions. I can reduce the KHSD's expulsions to zero very quickly but it doesn't solve the problem. The problem is student behavior and I think the community works together very well, as you're going to see in some of the partnerships that we have in trying to address some of the issues in our community that would cause students to behave on ways that might lead to more serious disciplinary actions.

Let me first explain some of the terms that we use in education so that we are all on the same page.

Suspension – provided in the law that allows educators to remove a student from the school for a short period of time. That is limited up to five days unless the student is facing some more severe action. It is an out of school time out for students. The student returns to school, picks up their normal course of courses and hopefully that will catch their attention, they will be well behaved and they will just continue on.

There are two parts of suspension. One is out-of-school suspension and the other is in-school suspension. Out-of-school, the student is not allowed to come to school, whereas an in-school suspension the student would come to school, be suspended from normal classes and have their education on campus in an isolated setting.

Expulsion – The law allows districts to remove a student from their district for a period of time not to exceed one calendar year. In most cases that expulsion would only be for the current semester and at most one more semester. If a student engaged in an expellable offense in November they would be expelled for the rest of the fall semester and possibly the spring semester. Expulsion is never designed to be a permanent removal from school. It is designed to be a time-out of more length, up to one year.

Suspended Expulsion – is a blend of the first two. It is an expulsion against a behavior that warrants expulsion but the district decides to suspend that expulsion and allow the student to continue their education within the district. Expulsion removes a student from the district. Suspended expulsion allows them to stay in the district, probably on another campus.

Involuntary Transfer – the school district has the right under the law to determine what campus the student will have their education at and against

the voluntary will of the student, the district can place the student on another campus.

You will see in just a minute why those words and the linguistics are very important. I'll get to that in just a minute but before I do I also want to address a perception that I have heard when talking to reporters and different individuals. There has been a perception that when a student is expelled from the school district that their education is terminated. I want to dispel that myth. Here in Kern County we are extremely fortunate to have a system where when a student is expelled from a district there is continuity of their education during that expulsion with the goal of bringing the student back into the district to finish their education. We're going to talk a little more about how an expelled student's education is served with the KCSOS with those students then returning back and continuing their education.

I would like to dispel the myth that expulsion means dropout. There has also been a perception that suspension and expulsion are some of the very first disciplinary methods that are used when a student engages in a behavior that is serious enough that it warrants some discipline. I would like to go through some of the KHSD's preventative and interventive strategies that we use to try to intervene in the lives of kids before we ever get to that point where they need to miss a couple days of school or miss a semester or two semesters in our district.

Disciplinary measures start with a teacher conference with the student. The teacher confronts the behavior with the student, they talk about it and we see if they can remediate the behavior just by the conference with the student.

Other times the behavior needs to be referred to a counselor. We have certificated counselors on each of our campuses and they are trained to intervene with students and their needs so at times the teacher will need to refer the student to the counselor for some counseling.

In maybe a little more serious efforts or if the first ones aren't successful, a referral is made to the Dean of Students. The Dean is an administrator who's charged with the safety and security of the campus. When that student is referred to the Dean the Dean will discuss with the student maybe ratcheting up ever increasing levels of discipline.

Also in this process are phone calls to parents. We want the parents to be involved and in many cases when a parent gets involved the students' behaviors change. We try to send letters home to parents or guardians, particularly those that we are not able to get in contact with by phone just to make sure that they are kept in the loop on what kinds of issues were having with the behavior of their child.

We like to invite parents to come down to the school and to meet with the counselor or the dean of students to talk with the student because you may not believe it but sometimes the story that the student tells the parent is not

the same story that the school administrator or the counselor knows. So getting all of the parties together in an office around a table to get it all out on the table and try to seek some remediation of those behaviors.

At times we have to out to the homes. We have community that will do home visits and they will try to meet the parents on their time and in their home again with the idea of working as a team to mitigate that behavior.

We do have some detentions that are used at times. We have before-school, lunch-time, and after-school detention. Those alternatives are inconvenient for the student but sometimes it will modify behavior because you're taking away their social interaction at lunch with their peers. Again, they remain in their classes during the school day and they give up their own time to serve a detention.

We also have what we call a Saturday Work Program. Asking a teenager to get up and be at school at 8 o'clock on a Saturday morning disrupts their life. They will come down to the school and they will work on the campus as an alternative before we look at suspension or expulsion.

There is an in-school suspension program that has been threatened greatly by some of the budget cuts that we are facing. For the in-school suspension we provide an employee that will serve a group of kids who's behavior has warranted them being removed from their classes for a period of time but we want to keep them on campus. Typically in this type of suspension they are in an isolated environment. Their lunch period would be at a different time than their peers and their passing periods are at different times so you are taking away the social interaction which is valuable to teenagers.

As appropriate, we will refer students to outside agencies. We have great working partnerships with Kern County Mental Health, the department of public services. There are many resources that is a student has some very unique needs, before we remove them from a school setting, we can get them extra services particularly through the County.

At times it may be necessary to do a period suspension. In high school you may remember that you go through six periods in a day. It may be in one class that a student is having some difficulties but not the rest of their classes. For instance, we remove a student and suspend them from their third period class for a couple of days but not suspend them from the other classes where they're doing just fine.

At times it is also necessary to refer students to alternative education programs. Those are programs that are not at a comprehensive high school campus. Comprehensive Campus is a term that means a campus of about 2000 students that has a full array of extra-curricular activities and sports. Some of those alternative programs may include an opportunity or a retention program which again is self contained to one teacher; a continuation high school which is a much smaller school of about 200-400 students on a

separate campus. Independent study program, sometimes students function better studying independently for whatever reason, checking in with their teacher periodically. We have what is called a APEX online program which students can do online education either at home or in a supervised setting on campus. The KHSD has a charter school, workforce 2000, sometimes that charter school is an alternative for some of our students.

The KCSOS operates a community school program. The KHSD does not operate a community school program. If we did operate a community school program we would be referring a lot of our kids to our own community school rather than having our students served by the partnership that we have with the KCSOS.

We have a Bakersfield Adult School. Some of our older students will be referred to the Adult School to continue their diploma program on a separate campus. We also have a Regional Occupation Program for career training. Sometimes students get in trouble because they haven't yet found their niche. When they find their niche, their vocational interest, they can continue their education at the Regional Occupational Program and we have had high degrees of success on that.

Some of the other efforts outside of alternative education that we use include Link Crew, a program where upperclassmen more or less adopt underclassmen and help them adapt to the high school setting. We have had success with students being able to intervene in the behavior of fellow students when they are maybe less receptive to the intervention of adults. There is another similar program called Safe School Ambassadors. This is a group of students on campus that is committed to maintaining safe schools.

We have a counseling program and there are 4-6 adult counselors on each campus. We have a program called peer counseling and mediation. If a student of having problems or students are having a conflict they'll go before their peers to see if they can work it out with only adult supervision but not adult interaction.

Friday Night Live and a full array of extra-curricular activities and athletics to keep students involved and allow for less time for inappropriate behavior. We have a project called BEST which stands for Black Excellence in Scholarship and Teaching. This is geared toward African American male students to get them to focus academically with the goal of either going to college or hopefully in some cases return to the teaching profession to be a role model for future generations.

We have some great mentoring programs that use community service organizations. Project 180 under the KCSOS does a great job of working with students who are coming with difficult histories. Garden Pathways has some great programs that are working in our district. We work with Sean Battles and the Stop the Violence program in our schools to intervene in the lives of students who are struggling. Manual's Reach for Greatness

program is a great partnership in mentoring students. He brings in community mentors to serve these students who may be struggling in their lives.

There are two parent programs, one called the Parent Project and one called the Parent Institute for Quality Education. We have some parents who don't know quite what to do with their teen that they've lost control of so we have some programs to help parents get back in control of those teenagers that are struggling with their identity. So working with parents is a key part of our intervention as well.

Let's talk about due process. Before these more serious disciplinary issues are put in place there are a series of steps we go through to make sure that students have their due process. The first step is parental notification. When a school makes a decision to suspend a student we notify the parents and ask for a parent conference. The principal of each of our High Schools must review and make a recommendation on their subordinate administrators. So there is oversight or review by the Principal before the recommendation is given to the district office. There is a review of each of those recommendations by the District Office administration. My Director of Pupil Personnel Services, Otis Jennings, couldn't be here today as he is on vacation but he reviews every one of those recommendations to make sure that everything has been done correctly.

There is a hearing panel in the cases of expulsions and parents and students have a right to a hearing. That hearing is duly noticed and the due process is outlined in the Education Code. If the recommendation of the hearing panel is still not to the pleasure of the parents they have the opportunity to appeal to our Board of Trustees. There are five elected trustees that will hear the recommendations for expulsion and a parent can either appear before the Board prior to the Board taking action or appeal that as the Board takes action of that expulsion. Lastly, if the parent still does not agree with the outcome, they have the ability to appeal to the Kern County Board of Education. They are the appeal body for all 47 districts and any expulsion decisions made by those 47 districts.

When the decision is made that a student be expelled there is an immediate referral of that student to the KCSOS Community School program. We do not want the education of that student interrupted. Their education is not terminated they are referred to the County program for the duration of their expulsion. We have a wonderful working relationship with the Superintendent's office with the goal that when the student finishes their term of expulsion they will return to the KHSD and that they will graduate with the KHSD.

I'm proud of the fact that in the graduating class of year 2011, the year of the data that you have been looking at, that there were 514 students in that class that graduated that had been expelled and came back and graduated. Clearly we're concerned that the education not be disrupted and that the

expulsion be viewed more as a timeout than as a permanent end to any affiliation with our district.

The curriculum of the two programs are both geared toward the State standard and I'll let KCSOS staff address that but the idea being that there isn't a disruption in the curriculum. When a student does return they are not going to be out of sync or be behind.

The other thing that is a little unique about this County is that in the KHSD, although we have campuses in Kern Valley, Shafter and Arvin, most of our students are in Bakersfield and most of our students can access public transportation to continue their education in the County system. For other districts that don't have that type of public access or are rural and don't have access to transportation to a community school program, those districts may choose other alternatives because expulsion does mean a great disruption in the education. Our proximity and working relationship with the KCSOS means that students can easily be referred to the KCSOS program on an expulsion and then come back. If the KHSD had a community school within its district we would not be expelling students we would be serving those students within the district and those numbers would be zero. It would not mean that the behaviors would be zero but it means that the data that the State collects on students who are referred outside the district would decrease greatly. KHSD has chosen not to create their own program primarily due to budgetary and practicality reasons. KCSOS has a program that we can utilize without expending the capital to create our own. The downside is that when our students are referred to that program they do show up as expulsion in the statistics so the numbers are higher.

Let me talk about coding. In the 2010-2011 school year, the KHSD for state purposes codes those students who not only are expelled from the district but also have those expulsions suspended as expulsions. There were a little over 2000 students who were coded as expulsions. Approximately 600 of those coded as expulsions never left the district they were granted a suspended expulsion so they actually moved from one campus to another, yet they were coded as expulsions. Other districts don't do that. Other districts code those students as a transfer. A lot of other districts have fewer expulsions because of the way that they code students. Beginning in the 2011-2012 school year, we changed our practices so that we are not coding students as suspended expulsions we are coding them as involuntary transfers. When the 2011-2012 data becomes available I believe you are going to see almost a 50% decline in the number of expulsions. It doesn't mean that the behaviors have decreased by 50% but that the statistics will reflect that we are coding our students as many of the other districts that we are being compared to.

Another item that often gets confused in this discussion is the difference between suspensions and suspended pupils. One focuses on the event of suspension the other focuses on the number of students. I mention that because we do have students that get suspended multiple times. If a student

gets suspended four times during the year it shows up as four suspensions but it is only one suspended student. When we review the data we have to know if we are focusing on the raw number of suspensions or the number of students.

I would also like to emphasize that in looking at our data, we can say with a fair amount of confidence that not one student that has been expelled from the KHSD has been denied their education. Every student has either been kept in the district by suspension or expulsion or they have been referred to the KCSOS program so that their education can continue before they come back to us.

Finally, I would say that we have very high expectations for student behavior. I think that every student has the right to come to school in a safe learning environment free from harassment free from bullying free from physical intimidation, illicit drugs, and weapons. When students do engage in those behaviors we do take fairly firm action. We try all of those interventions that I listed but if those prove unsuccessful there are times when unfortunately the student needs to take a time out. Again we are balancing the needs of all of the students on the campus for a safe and secure environment and the education needs and rights of the individual student and that's the challenge.

Thank you, Marcus for allowing us to be a part of this discussion. I hope it has been somewhat enlightening. I know I covered a lot of information. I will let the other have time to speak and I will be available for any questions.

(Christine Frazier, Kern County Superintendent of Schools)

First of all I want to say that students who are expelled do enter our program and I am overwhelmingly proud of our program and I will tell you why. When I was a student in high school when someone was expelled they were gone. They went out into the community the behavior or reasons for them being there were not addressed.

We care about our students. I am proud of our educational system even if we have high figures of expulsions because I know that we are not ignoring behavior. I know that we are telling students that some behaviors are not appropriate, that's not going to be healthy and you are not going to succeed and we are not going to let you fail. We've done all these things and they're not working so we need to do something much more dramatic.

I am so proud of our campus. We are not a second rate campus that has bungalows in the back and kids don't care and teachers that don't do well at a comprehensive high school are sent there to teach. My teachers are number one and they are hand-picked. My teachers wouldn't go anywhere else. They are extremely well trained and they know how to work with these kids. These kids have lives that you and I do not understand. They deal with issues that you and I don't deal with. Sometimes these kids deal with things inappropriately but I'm not so sure that we wouldn't do the same if we were in their situation. Some of these kids have parents that are on drugs or alcohol

or in prison. Some of these kids are leaving school and going back to an environment with gangs where they do not think that going to school is a positive thing. Some of these issues require a very different program.

Our number one goal is to show them how to function in a traditional program. If they are going to graduate or to college or a career tech. they need to know how to function. We can do that. Many times when our goal is for them to go back into a comprehensive high school there are reasons that that is not going to work for them. When they are done with our program they are going to have a chance at a future whether it be nursing school or Bakersfield College or welding school. For me that is like saying Harvard or Yale for some of these kids. Many of our students have a child and they talk about making a better life for them.

I'm going to have Warcester Williams talk a little bit about our program and then I'm going to tell you what we are doing, county-wide, to maybe alleviate some of your anxieties that we are not addressing the problems. We are trying to get better at it but we are not there yet.

(Warcester Williams, Director of Alternative Education Programs, KCSOS)

Dr. Carter and Dr. Frazier have said much of what I would have told you already so what I will do is walk you through what happens with a student once the student has been expelled and referred to the KCSOS Alternative Education program.

As soon as we receive the referral we request educational and behavior information from the district so we have an accurate transcripts that tells us what the students have already earned for grades in progress. We want to make sure that students get the grades that they have earned and they don't need to repeat units that they have already taken. We want to make sure that they don't lose credits as a result of being referred to our program.

We have the family and our staff fill out an Individual Learning Plan (ILP). The ILP has all of the demographic information, the educational history, and disciplinary history as well. This allows us to see a snap shot of the student prior to them going into the classroom. Our goal is to take these students who have had issues and been unsuccessful in the mainstream population and try to work with them so that they are able to return to that mainstream and be a productive part of our society.

The ILP goes to the teacher, counselor, and administrator. We try to determine what special needs the student may have, other than a classroom or educational setting. If the student has been expelled for drugs, alcohol or things of that nature we make every attempt to connect them with the resources that will help them overcome some of those issues that got them expelled.

Students are tested to determine reading and math scores. Students that come is as a junior or senior with high credit levels are given a credit check

so we can determine exactly what credits they need in order to graduate. We provide them with tutorials to prepare them for the California Exit Exam and supplemental instruction that helps them do the best that they can. We help discover and help them with various learning issues so that when they return to the KHSD they are ready to work in the mainstream system.

The structure of our program doesn't allow them to get into as many altercations as they would in a mainstream school. In a mainstream school students may have up over 2000 classmates that are all moving from class to class during the passing period. This is often when trouble arises. In the community school program we don't allow for as much downtime. The day has the same number of educational minutes as a mainstream school but we remove the 7-10 minute passing period that is necessary on larger campuses. Students get to intermingle in the morning and after school but they are only required to interact with a much smaller group of students.

Curriculum is the same as in a mainstream school in order to enhance the continuity between the KCSOS and mainstream schools. The goal is for students to leave our program and return to their districts on-target. When the expulsion expires and they return to their district they should be in the same educational situation as they were when they left, if not a little bit better.

Finally, students can complete their education with us. We have the same WASC (Western Association of Schools and Colleges) accreditation as mainstream schools so when they receive a diploma from us it means the same thing as if they received it from their mainstream school.

(Christine Frazier)

Seeing the statistics is troubling for us so what are we going to do? We know that when students are expelled they are not floating around in the community we pulling them in and making sure that they get what they need. But, I also found it very curious that we are such an outlier when we look at the statistics.

One of the first things that we are going to do will be to look at how our high schools and middle schools are coding the State data. Once we know exactly what the data really says, then we can talk about where we need to do better. We need to make sure that amongst all of the districts in Kern County that we are being consistent with the way that we are reporting.

Second, are we being consistent with disciplinary responses to student actions. For example if someone pulls a fire alarm, what happens in district "A" and what happens in district "B" should be the same.

The third thing that we need to do is communicate to each other about what works as interventions with our kids but we don't share that all the time. As the KCSOS we are the repository. We are able to share that information with all 47 school districts, whereas individual districts would have to

communicate independently with each other to share the same information. We are going to keep track of all of those things that districts are doing to really assist kids in being successful in school prior to suspension and expulsion, as well as after suspension or expulsion.

The fourth thing that we want to do is bring in the community to ask what else can be done to help in this process.

Again, we are already changing the way that reporting is done. Once the date reporting is consistent, it can be evaluated and understood. Then we can figure out where we are and what we need to do.

(mm) At this point I'm going to open it for question from the commissioners first and then we will open it up to questions from members of the community.

(tp) I'm glad that Dr. Carter touched on date because I would like to know why are kids being expelled? What kinds of activities warrant expulsion and what are the major activities that kids are being expelled from?

(Donald Carter)

For your reference Education Code 48900 is the citation that provides the reasons a school district may, or shall expel a student. Some are mandatory and others are discretionary.

(tp) I have two other questions, who serves on the Hearing Panel?

(Donald Carter)

Typically it would be administrators or teachers who are not on the effected campuses. In a large district we can pick from a large pool. We will sometimes use retirees their job through the office of pupil personnel is to make sure that due process is followed and that there is an opportunity for the student and the school to present their cases and then they develop a recommendation to be forwarded to the Board of Trustees.

(tp) So this panel is not something that a community person could serve on?

(Donald Carter)

I mentioned earlier that Otis Jennings was unable to be here because he was on vacation but to show you how dedicated he is he gave up his vacation to be here tonight. Otis, do you invite community members to serve on the hearing panel?

(Otis Jennings, Director of Pupil Personnel Services, KHSD)

No. The panel is all trained certificated staff.

(Christine Frazier)

I will tell you that the hearing at the County level is conducted by the County Board that is made up of elected citizens, I can also tell you that they grill the district representatives on process so parents have all of the information that

they have a right to. They are very pro-parent in terms of making sure that processes are conducted appropriately.

(mb) What is the ethnic diversity of those panels?

(Christine Frazier)

We have been talking about the KHSD but all districts may handle the appeal process in a different manner. Some have panel. Some use the elected school board as the panel. So there isn't just one way that the process is conducted.

(mb) What is the ethnic make-up of the Board of Trustees?

(Donald Carter)

The Board of Trustees is made up of five elected members. Currently the Board had Dr. Bill Perry who is African American, Chad Vegas who has a Hispanic surname and Brian Batey, Mike Williams, and Martha Miller who are all Anglo. That is the current make that the voters have elected for our Board.

(Otis Jennings)

As far as the hearing panels go there is 30 certificated staff that we use on hearing panels. We attempt to keep the panels ethnically diverse.

(Christine Frazier)

The KHSD had identified the need to change the way that Board representation works and they should be commended for that. They have identified the need to transition to Trustees based on areas or geographic representation.

(mm) When students enter the KCSOS program, how are they evaluated for return to a comprehensive campus?

(Otis Jennings)

Typically students are evaluated to return at the beginning of the next semester or at if they are referred to the KCSOS late in a semester then the expulsion order would normally indicate the end of the semester plus one more semester. Whether the expulsion order is for a semester or a semester plus one, students are always evaluated for return to a comprehensive campus at the beginning of a semester.

(Donald Carter)

The expulsion order always indicates where the student will return.

(Fuchsia Ward, Kern High School District, Alternative Education)

Parents, students and administrators work together to determine the best place for the student to return to.

(cb) Do you have any statistics on the effectiveness of the different types of

interventions and programs between not just the KHSD but all districts?

(Donald Carter)

Teenagers are unique and we learned a long time ago that one size doesn't fit all. Having a safety net of multiple types of interventions and preventative measures sometimes a student has to go through many of those before we find success. Other times we will apply multiple interventions at the same time. When we find that the students behavior changes its very difficult to pin down which of those measures was the one that was effective. Unfortunately its difficult to have hard quantitative data. We have to rely upon subjective, anecdotal data of those people who are working within those programs.

(cb) Are the professionals evaluated? Do you see differences in the anecdotal responses between the professionals?

(Donald Carter)

That is true and there have been times when employees have been replaced in those programs when they are not producing results.

(cb) To try to better understand the graduation rates whether the student graduates once they go back to their target school or whether they stay at the school, how do those statistics compare to other similar programs whether in other districts or in other counties? Are we able to identify if we are on target?

(Donald Carter)

Again, Kern County is unique. If we compare the Kern County system to other systems there are many variables that come into play. Even when the State publishes graduation rates what they are publishing is the rate of students that entered in the ninth grade and graduated with their class four years later. We know that we have a lot of students that won't graduate in four years. They may need Summer school or the fifth year. They may need to go the Bakersfield Adult School. These students will show up as graduates later on. They stay in the system because they need more time.

(Christine Frazier)

We know that the student data system does not always reflect accurate information. For example, if a student leaves the KHSD and goes to Clovis West and graduates they are considered a drop out for KHSD because no one tracks them after they leave our system. We have started to clean up the way that students are tracked and we need to continue to work on the way that data is reported.

(at) First I would like to thank all of you for coming in today and also thank the members of the community for being here. Can you give me the percentage of minority teachers in the District?

(Donald Carter)

I do not have the numbers off the top of my head but I would be happy to

forward it to you.

- (at) When you look at the data it appears that more African American and Hispanic students are being suspended compared to the rest of the student population. Is the district doing anything specific to target these individuals to see if you can reduce the rate of minorities in this process.

(Christine Frazier)

In regard to minority teachers, the KCSOS recruits like crazy. We need to get them through high school, college, and the credential program. Students have choices regarding their education and they are not necessarily choosing education as a profession. We are battling against technology careers. Here in Kern County we also have oil related jobs that are very attractive to kids because of the wages.

The first thing that we need to do as a community is to encourage our kids to go into the teaching profession. We also need to honor the profession as something is valuable to be a part of. When I look at applications we value diversity as part of the group. When we see minority applicants we have multiple schools fighting for the same applicant so we must increase the pool.

(Donald Carter)

Related to minority suspension and expulsion rates, we do look at the data. One needs to be careful about presuming that any kind of behavior is homogenous across all sub-groups of society. If you operate on the assumption that behaviors are identical regardless of one's income level, ethnicity, etc... then it would naturally follow that your discipline should be proportional to the make-up of the general population. Unfortunately, behaviors don't always follow homogeneously across all sub groups.

We have a theory that we have been testing. We think that there is a higher correlation of behaviors based on the income of the parents than there is based upon race or ethnicity of the students. More clearly, this means looking at poverty levels. If we look at students on free and reduced lunch versus students that aren't we see a huge difference between behaviors. If we look at the Anglo population we will see much different problems in Oildale than we will see in Seven Oaks.

(Christine Frazier)

This doesn't mean that people in poverty situations don't care about their kids. Often these parents may be working two jobs to support the family and they do not have as much time to actively participate in what their children are doing. These kids may more time when they are unsupervised or have other responsibilities in the home that take away from their time to study.

(Donald Carter)

We also need to do a better job of training adults in cultural sensitivity. When a student engages in inappropriate behavior we need to make sure that the

adult that confronts the behavior doesn't exacerbate the situation. If the adult intervention exacerbates the situation the discipline can end up being more severe. We are spending a lot of time talking to our principals and to our teachers and our deans about how the first interaction with the student doesn't inflame the situation but actually calms the situation. We want to deal with the behavior and not what happens after the behavior.

I will say that there are people who have suggested to me that there are differential standards for behavior among ethnic groups and I disagree. We discipline behavior we don't discipline family income level or ethnic group. We want all students to live up to our high behavioral standards but we do need to provide intervention, prevention, and support in a way that doesn't exacerbate the situation.

(mm) If there are no further questions from the commission we would like to open it up to questions from the floor.

(Jonathan Webster)

When will we realize that the discrepancy is based on reactions to black and brown students as opposed to white students? When are we going to be honest and put this on the table? Little Johnny slammed the door who's Black and he gets suspended five days because he crossed the line. Little, White Mary can slam the same door and it will be smiled and laughed at. This is reality and this is what our community has to deal with. When are we going to be honest enough to see that these are the problems? That our young black and brown kids are held to a higher standard when it comes to behavior than white kids.

When Black parents come and stand up for their kids, White teachers will go and talk about being intimidated by having to deal with those parents. White parents can come and yell and scream at counselors and they will be dealt with because they are just concerned for their kids. Until we start talking about what the issues really are we are going to continue to see these discrepancies.

(mm) I have to agree with you and I thank you for your comment. We really need to move to have a dialogue to discuss these issues and I think these forums are the beginning of hopefully getting to that place.

(Juan Lopez)

Is there a mechanism in place to ensure that the steps that you outlined are always followed?

(Donald Carter)

Deans of students are the administrators on the campus that see these students at the beginning of the disciplinary process. They are trained in looking at all of the different steps. Sometimes the behavior is inappropriate for the lowest level of intervention. We clearly want to be able to reach the right impact of discipline at the lowest possible level.

(Juan Lopez)

What percentage of discipline is discretionary versus mandatory?

(Mike Zulfa, KHSD)

For the 2010-2011 school year, approximately 65% of discipline was discretionary and the remainder was mandatory.

(Dolores Huerta)

Is there any type of intervention or peer conflict resolution to assist students of different backgrounds in dealing with each other? Another issue is the need for a more comprehensive pregnancy prevention program.

I also hear parents complain that they are not listened to. That they cannot go to the school without giving a 24-hour notice. There seem to be a lot of obstacles to prevent parents from being more involved.

(Mike Zulfa)

We work with a number of different organizations that offer mediation to our students. We attempt to bring the students together try to get them to create and understanding. We try to prevent the bad behavior. We are not in the business of covering up the behavior we are trying to give students the most opportunity for success. We must balance what is right for the individual student with the need of the greater group of students that are affected by the actions of others.

As far as the sex education course goes, the KHSD recently revised our course of study specific to health in addition to what we already had in place for our abstinence and HIV/AIDS education.

(Christine Frazier)

When it comes to information that we provide to our students regarding sex education we also need more involvement from the parents. Parents have the right to have their student opt-out of the information that we provide. This is an issue that is very sensitive and personal for most people and we need both parent and mentoring programs to make sure that issues such as teen pregnancy are addressed.

(Eddie Carmona, Faith in Action)

Do you currently track any recommended expulsions that do not occur.

(Mike Zulfa)

Approximately half of the students that were expelled under a discretionary expulsion in 2010-2011 never left the district. Although they counted as expulsions due to some of the coding issues that we discussed earlier. Of the 35% of students that fell under mandatory expulsion, most of them were related to violence, drug abuse, drug use, or drug sales.

When there are discretionary issues the discretion begins with principal. The

principal communicates what the expectations are for student behavior. When a student does something that does not meet behavioral expectations the process that we mentioned before begins. If there is an initial disciplinary recommendation that the principal, or dean doesn't execute then the question is at what point would you call that a disciplinary action? For all of these reasons it is difficult to track recommended discipline that does not happen.

(Elizabeth Aakhus)

My understanding is that there is a Waiver that students and parents can sign that indicates that the student admits to the offense. My question is what are the statistics on how often this Waiver is utilized?

(Mike Zulfa)

I don't have the statistics of how often it is used. It is a common practice in the KHSD. The reason for that it is often done on the basis of expediency. In situations where the students admits the behavior the parent just wants to get the kid back in school, rather than going through a protracted process. This ensures that the student doesn't end up being out of school for an extended period of time. This is an option that parents can use.

(Elizabeth Aakhus)

In my experience representing parents there are a lot of issues regarding parents that don't understand what the waiver means and what they are doing by signing it. There are different reasons that they don't understand it including language issues.

(Tim McKinley)

I have seen the same thing and I have been told that parents are told you must sign this to get your child back in school.

(mm) Does the student sit out from the time the offense happens until the process is completed.

(Mike Zulfa)

There are legislative deadlines related to due process. Students and parents have the opportunity to continue to receive assignments and homework. In order to expediate the process the parent can opt for the waiver.

(mb) At what point is the waiver offered to the parents?

(Otis Jennings)

When a student is suspended for five days the parents are invited in on the third day and given their options and the waiver is explained.

(Christine Frazier)

I do think that it's not in the best interest of the school to have parents sign something that they do not understand. If that is the case then it should be looked at and changed.

(Donald Carter)

I appreciate the issue that maybe the issues you have dealt with indicate pressure to sign the form. Clearly the waiver is not 100% otherwise we would not have expulsion panels. The panels meet several times a month and they hear a lot of cases so we know the waiver is not 100%. As you have also heard, there are parents whose children admit to the behavior and the parents want them back in school as soon as possible.

If there is a perception out there that the form is not being fully explained or if its not being explained in a language they understand, those are thing that we need to take a look at.

(Walter Williams)

We have heard that our situations are unique. We have many Black and Latino students in the streets. I deal with the kids and the parents and we have a problem. The panel that the kids appear in front of is school staff. What we need to have is a mediator involved when the process begins.

It is not all the fault of the school. It begins in the home. Protocols must be followed but if they are not followed they are not effective. We need to make sure that we have a level playing field for all students. In terms of mandatory expulsions for weapons and drugs, we understand that. But if we just continue doing things the same way without discussing the policies then we can't change the process or the outcomes.

(Julio Prado, Dolores Huerta Foundation)

Through a translator: I am a community organizer. Last year I went with a mom to talk to the school about her student that was possibly being expelled. There was a cop there at the meeting to bully the parents. The parents were told that you had to sign the suspension form or go to court. Is it a policy of the school that they have to have police officers?

(Mike Zulfa)

A police officer is stationed at each one of our comprehensive campuses. I am aware that many conferences do not include a police officer.

(Julio Prado)

Through a translator: A lot of the parents are undocumented so they don't want to get involved in anything related to the court and it seems that a lot of districts don't want to deal with our students.

(at) Why would a police officer need to be there?

(Mike Zulfa)

I can't speak to the specific situation but, there are a number of reasons a police officer may be present including that the officer may be a witness to the behavior. The student may have assaulted a staff member. These are

extreme situations but they represent at least two reasons why they may be there. The parent may want to ask questions of the officer including what happened or who saw the behavior?

(lc) How many counselors do you have at each campus?

(Mike Zulfa)

We have 4-6 counselors at each comprehensive campus.

(Leticia Perez, Senator Michael Rubios Office)

We recently had a young man come to our office with a member of the KCSOS, Christian Shannon, who is a remarkable educator. This young man had done some property damage at his school and as a result he ended up with felony convictions, along with five other boys and had a rather large restitution bill and was expelled from school.

This young man went to community school through the KCSOS and received an incredible reception and kindness from the staff. In listening to his story and watching the advocacy of Mr. Shannon I became very impressed with the interest and concern from the community school educators. When I took the matter to Otis Jennings and others they were very quick to do whatever they could to help this young man along.

Unfortunately the drawback of the young man's case meant that he was on felony probation and had the restitution to deal with. We took on the young man's plight and I recruited an attorney friend that took the case pro-bono. Because the student went to a community school he is now in tier-two consideration for the military and so the Marines are unlikely to take him.

The senator stepped in and paid two thirds of his restitution and he has been released from probation and the KCSOS people have been very helpful. When you look at his situation it is very complicated.

I give this example to show that the issues that you deal with are remarkably complex and the work that you do is very important in helping these kids move along on their path to success. I am very impressed with what your organization is able to do.

(Joseph Johnson, Faith in Action)

We have talked about how deans set the tone at the school. Is the information communicated to the parents and is there a measurement tool to support that?

(Donald Carter)

Our summer mailer that we mail to the home of the students has all of the parents' rights and responsibilities. The mailer has a tear-off receipt that they are to return to the school. If we don't have that from the parent we know that that parent either didn't see it or didn't return it so we do a follow up.

We are also working on technology that will allow us to push information out via email, twitter accounts, instant messaging, etc... We also post all of the parental rights and responsibilities prominently on our website in the parent handbook.

(Warchester Williams)

Parents also go to an orientation when the student enters the Alternative Education Program. We make all of the information available in both English and Spanish.

(Tim McKinley)

I wanted to mention an issue that I had related to receiving discovery of a student offense. Not being able to receive the discovery required me to file an extension of the hearing. Issues such as that can delay the students from continuing their education.

(Jonathan Webster)

What will the Human Relations Commission do after you have reviewed all of this information?

(mm) We will review all of the information and make a determination to what is the next appropriate step to take in this process.

At this time I would like to thank all of the representative of the KHSD and the KCSOS for participating in this discussion to night. Aw you can see there are many ways that we can work together as a community to address the issues that we face and we look forward to continuing this discussion in the future.

*The Commission took a short break before continuing with regular business.

7. **OLD BUSINESS**

- a) Discussion of Annual Essay Contest
- (cb) will take the lead on the Annual Essay Contest.

8. **COMMITTEE REPORTS**

- a) Community & Media Outreach – Hess, Chair, No report
- b) Education/Essay Contest – Herrera, Chair, Hess - No report
- c) Equal Employment Opportunity/Affirmative Action – No report
- d) Grants/Funding – No report
- e) Housing – Commissioner Carrick, Chair – No report

- f) Judicial & Legislative Review – No report
 - g) Law Enforcement - Herrera, Chair - No report
 - h) Special Issues – No report
 - i) Access and Functional Needs – No report
 - j) Annual Report Ad-hoc Committee – Mitchell, Chair, Taylor – No report
 - k) Training/Mentor program Ad-Hoc Committee – Bernal, Mitchell – No report
9. **STAFF REPORT:** No report.
10. **COMMISSION MEMBER PRESENTATIONS OR ANNOUNCEMENTS:**
- (at) Happy to see the outcome of tonight's meeting. The attendance and conversation was very positive.
11. **ADJOURNMENT**
- Motion to Adjourn: cb, 2nd: at, All Ayes, meeting adjourned at 8:17 p.m.