

County of Kern
HUMAN RELATIONS COMMISSION-MINUTES

Regular Meeting
Tuesday August 13, 2013

Commissioners Present: Walter Williams (ww), Greg Collins (gc), Fiona Lytle (fl), Andre Taylor (at), Marissa Banks (mb), Marcus Mitchell (mm), Jewelle Scales(js)

Commissioners Absent: Manuel Cantu

Equal Employment Opportunity Officer: Michael Goulart (mg)

Others Present: Marquez Equalibria, Ron Wakabayashi, Carmen Burgos, Ana Vigil

1. FLAG SALUTE

2. PUBLIC PRESENTATIONS:

Ana Vigil: I applied to serve on the Commission two months ago and would love to serve with you.

(mm) Have you been contacted by your District Supervisor?

Vigil: No.

(mm) If you will give us your contact information I will follow up with the District regarding your application.

(gc) After I applied to serve on the Commission I followed up with my Supervisor's office and I found that to be helpful.

3. Presentation from Carmen Burgos, Greater Bakersfield Legal Assistance.

Burgos: Thank you for allowing me to make the presentation on this important topic. I am here to talk to you about the Affordable Care Act. You have a powerpoint presentation in front of you.

*Commissioner Williams left meeting at 5:42 p.m.

The Act requires all US citizens and "lawfully present" individuals to have insurance. That does not mean only legal permanent residents. For example, a refugee is a lawfully present person.

The Act creates a "marketplace" for insurance services. This marketplace will have vendors that provide different levels of insurance. Employers with 50 employees or more do not have to comply with the mandate until 2015. The Act will expand Medical by removing categorical requirements. Eligibility will be based solely on income level.

All plans will have to offer minimum levels of coverage. Insurers will not be able to cancel your coverage based on a medical condition or deny coverage because of a pre-existing medical condition.

Individuals that are not covered by a spouse or another program will be able to by insurance through “Cover California”. There will be a cap on expenses. About 13 companies have contracted with Cover California. In our area Anthem, Blue Shield, Health Net and Kaiser have contracted.

There will be exclusions to the Act. Undocumented people (no immigration status) will not be mandated to have coverage. Those who cannot afford the coverage available to their area are not required. Those that are not required to file taxes because their income is so low, will not be required to purchase insurance. American Indians, and those in jail or prison are not required. Those without insurance for less than three months are not required.

Cover California (the marketplace) is not open yet. It will open on October 1, 2013. Insurance coverage will become effective on January 1, 2014. The marketplace will close on March 31, 2014. In order to get tax credits you must buy the insurance through Cover California.

(fl) When this begins on October 1, how can someone navigate the system?

Burgos: You will be able to call an 800 number. They will ask a lot of questions about you and your spouse, etc. If you call now they can only give you a projection or your cost. We do not do applications at the GBLA Consumer Resource Center. The Department of Human Services will have certified counselors. Be aware that Cover California will not be sending representatives out to enroll people and sell you insurance.

Also be aware that the low income health plan already exists. Those that enroll now will transition into what Medi-Cal will be in 2014.

(fl) You have the 800 number, the online application, and the certified counselors. How will people get in touch with the counselors?

Burgos: They will be at the Family Resource Center, Clinica Sierra Vista and National Health Services.

(js) Will there be a TDD number?

Burgos: The TDD number will be on the website healthcare.gov and covered California at cahba.com

(mm) If you have coverage through your employer and the Covered California premiums are lower can you get coverage through the exchange at a lower rate?

Burgos: I believe that you can only take advantage of the marketplace if you are not covered by an employer or if you do not qualify for Medi-cal.

4. **APPROVAL OF MINUTES**

July 9, 2013 Monthly Meeting

Motion to approve minutes with correction (fl), 2nd: (at), all ayes

5. **NEW BUSINESS**

a) Discussion of action regarding Sheriff's Exploratory Meeting.

(mm) I apologize for not being at last month's meeting. I believe a briefing was given about our meeting with representatives from the Sheriff's Dept (KCSO) at the July meeting.

During our meeting with KCSO a lot of information was shared and I believe we have an open door to work with them. I have been contacted by the KCSO training officer to discuss moving forward but of course we cannot do that without a motion from the Commission. The floor is open for discussion of the proposal.

(fl) From the last meeting I feel confident in moving forward and putting together a pilot program. We could possibly do planning in the fall and winter and begin in the spring.

(mb) What would the pilot program be?

(mm) It would be to set up something similar to the Citizens' Academy but we would involve the community to determine what they would like to learn about and work with a small core group. After working with a core group we could use the pilot to develop a formal curriculum.

The current Academy is 12-16 weeks long, it requires a background check and you must go to the KCSO to take the Academy. This would allow the community to provide input and also allow the Sheriff to provide what they believe is important to the community. It would be done in a community setting away from the KCSO facility. These are loose ideas that will need more structure.

(fl) The pilot will also serve as a way for us to survey level of awareness, level of need, and what type of need.

(mm) I think that part of the pilot will be building the program together with the community.

Motion by Commissioner Lytle for the Commission to move forward in working with the Sheriff's Department and others to develop an educational collaborative and pilot project. 2nd by Commissioner Banks. **Ayes:** fl, mm, at, mb, js, **Opposed:** gc. **Absent:** Commissioners Williams and Cantu. **Motion Passes**

Motion by Commissioner Scales to create Ad-Hoc Committee to collaborate and create a community plan with the Sheriff's Dept. **2nd**: Commissioner Lytle. **Ayes:** fl, mm, at, mb, js, **Opposed:** none **Abstain:** gc **Absent:** Cantu, Williams

*Commissioner Scales will serve as Chair. Commissioners Mitchell and Taylor will participate.

b) Discussion of response from Kern High School District regarding suspension/expulsion rates.

(mm) The HRC received a response from the Kern High School District (KHSD). The response from KHSD addresses the nine questions that were asked in the letter that the HRC sent to them.

(js) What are we going to do with this information?

(mm) We need to review the information and determine what we would like to do next.

(mm) One of the most important questions regards the percentage of time the Waiver is used instead of the formal hearing. During previous meetings we were told that parents are presented with the waiver as the quickest was to get your child back into school. There were also concerns about how the Waiver was presented to Spanish speaking parents. I was troubled when I read that 95% of the time the parents sign the waiver. I don't know if they really understand the long term ramifications of signing the waiver.

Jewelle, Marissa and I attended a KHSD meeting. At the end of the meeting someone came to us and said that they thought we were working on the expulsion issue and that there was a parent there that wanted to talk to us. The parents experience was different than what has been represented to us. I wonder if the process is actually handled the way that it was represented to us.

The hearings are confidential and I am concerned that the parents may not always or entirely understand their rights. Parents are also allowed to have representation in the hearing process but most parents do not have representation.

(js) Do we know the reasons for expulsions? Are they for serious acts or for bad behavior?

(mm) Most of the expulsions are discretionary. I think the process is flawed and that is what I would like to look into.

I'm not sure if everyone is aware of the impact of having an expulsion on a student record. It can impact chances of getting into a college of the students choice and it can also be a factor in a student being allowed into the military.

(gc) Even though this student information may not be shared initially, if a school or organization sees a lapse and asks for additional information it is provided to them.

(mm) The KHSD response said that parents can bring counsel if they choose. I would like to follow up and ask if representation is limited to legal counsel or if anyone can represent you.

(gc) I think that when the initial meeting with the parents takes place the waiver is presented as the best and quickest way to get the student back into school and the ramifications may not be completely explained.

(mb) The timing of the expulsions is also something to look at because of when funds are released to the school. Is there a connection between when schools receive student funding for the year and when students are expelled.

(mm) We also asked who sat on the hearing panels and were told that the panel consists of school administrators. I am concerned that if the entire panel is made up of administrators they may all be of the same mind and not necessarily impartial.

(fl) I do not think that the response answered question number five, how does an expulsion impact the student.

(mm) I agree. I think the next step is that we decide how we would like to proceed.

(at) Why don't we have a follow up meeting and invite the community and KHSD back? We could have some subsequent questions that we ask as a follow up to the response.

(gc) My question would be, "what were the circumstances that led to the expulsions? Also, of the 95% handled by waiver, how many were people of color?

(mm) That date is on the State Department of Education website.

(gc) I guess what I am saying is that I would to pose the question directly to them to have them respond. I don't know if the rests of the Commission is interested but what I am concerned with is the number of Black male students that are getting expelled from school. I am concerned with all of the students but I am particularly concerned with the rate at which Black males are being expelled.

(mm) The numbers also indicate that Hispanic males are being expelled at a high rate. My concern is that if we already know the answer. Are we hoping to ask the questions so the community can hear the responses? As a Commission, what is it that we hope to do? What we talked about is making a report and making recommendations.

(gc) I would like them to put an answer in writing.

(fl) So you are saying that, that information is not in the report?

(gc) It is in the online document.

(fl) So what would be the outcome from asking for that.

(gc) The outcome would be that they put it on record. But if the Commission is not interested in that, that is fine.

(mm) I'm trying to understand what the significance would be because it is on record in the data. If we ask them they are going to tell us what the numbers say. The data indicates 95% are based on the waiver so we can crunch the numbers and know that of those 95% most are people of color. My only concern is that if we ask the question they will just restate the data.

(mb) I agree with Commissioner Collins. Even though the data is there, once we get into our follow up questions they will understand why we are asking. They will understand that we are concerned about the makeup of the panel. Why does the panel not look like the students that are being expelled?

(fl) We could bring the information with us and make reference to it.

(at) When I look at these responses I'm concerned about the waiver process and whether the options are explained fully to the parent. I am also concerned that they may not be able to afford counsel while they are going through this process. I understand what Commissioner Collins is saying in that if we ask them directly they have to validate the information but it may be redundant since the information is already out there. We can still discuss the subject while continuing to approach this from a collaborative effort.

(js) We have been talking about the data and the process. We would like to see something happen where we sit down with them and they made one change to their process. That would be a win for the community. I would like to see them come to the table and say that they have listened and they have heard the issues and they are prepared to make a change.

(gc) Have they told us who the panel is? Is it the KHSD Board or is it a separate panel?

(mm) It is the Board that decides. The process is done at the Board meeting and they go into closed session.

(fl) What does a "win" mean? Is it lowering the number of discretionary expulsions?

(js) I think if you change the process it will also lower the numbers.

(mm) The overall goal is to lower the number of discretionary expulsions.

(fl) Hopefully we can present several different options and they can choose one, whether that be providing information or discussing the true impact of what an expulsion might be.

(mm) The waiver is important and I think there needs to be a statement of rights and responsibilities that go along with the waiver. If you are asking them to waive their rights it needs to be clear to them what their rights are. All of the

consequences that come with signing the waiver need to be explained. The waiver process to me is the most problematic.

(mg) I have one question when I look at the construct of the Waiver. The document is put together in a way that has the most important information appearing in the smallest font. If I was providing this document to parents understanding the importance of it, I would want the ramifications of signing to be clear. I think it would be better if the information were at least written in a larger font. I would ask why the font is different sizes in different areas. As the Waiver exists, there is more blank space than writing. Why the need for such a small font for such important information?

(mm) I work in the Department of Child Support Services and I have worked with the court system for years. When someone signs an acknowledgement of paternity, there are a number of rights and responsibilities that they are waiving when they sign the document. All of the rights and responsibilities are presented to them in a separate document that they have to sign to acknowledge that they understand the consequences. The KHSD form does not discuss the consequences.

(at) Let's say they change it to make it easier to read, does that change the situation?

(mm) I think that it will help people make an informed decision. With this Waiver I would never know the consequences of signing this for my child.

(gc) You are told that this Waiver is the way to expedite the process and when the administrator is explaining it, it is presented as the best option. Whether you give them more information or not, the process may not change. The Waiver is a means to an end.

(fl) We can't control what the conversation is but hopefully we can influence what goes on to the sheet.

Motion by Commissioner Taylor to table this item to the next meeting and that each Commissioner bring back two recommendations on how to move forward. **2nd:** Commissioner Collins. **All Ayes.**

6. OLD BUSINESS

a) Election of Secretary

Commissioner Mitchell nominates Commissioner Lytle to serve as Secretary to the Human Relations Commission. Commissioner Taylor Seconds nomination.

Vote is conducted by secret ballot. Vote is 6-0 in favor of Commissioner Lytle and she is elected Secretary.

b) Discussion of Annual Essay Contest and correspondence.

(fl) I have passed out a draft of the document regarding the essay contest that we will be sending out to middle schools this year. It is open to edits as you see fit. I have done some research on the fiftieth anniversary of Title VII. There is also a fabulous website with a lot of great information on the seminal events of the Civil Rights Movement which directly impacted passage of the Equal Rights Act.

What I would like is to offer students for the essay this year is an opportunity to reflect on opportunities that have been granted fifty years forward and where we would be without this. I would also like them to discuss the legacy that they would like to leave for future generations.

I would also like to discuss the option of adding in an art component to the contest. If we have students that would like to reflect themselves through art would that be allowable and if so would we have a category for art and a category for writing? If we choose to have an art category I can prepare a scoring rubric that looks like the one we use for writing.

(mm) Art and essays would not be competing against each other?

(fl) They would be separate categories.

(mm) I like it and I think that the title is great. The letter also looks fine to me.

(fl) Michael and I talked about how to contact the schools. I would like to send the letter out to the schools and have interested parties contact Michael.

(at) Jewelle, I would like to ask you if you had to do any additional efforts beyond sending out the email to get the participation. Were there any additional challenges?

(js) I had a lot of conversations to create a buzz. We can also look at other efforts such as, making personal contacts and visiting the schools.

(fl) I am also looking at creating a flyer that can be sent out with school newsletters or can be placed up in classrooms.

(js) We also had an offer from the Sheriff's department to collaborate with them and the Probation Auxiliary.

(mb) We can also consider creating a Facebook page and linking it to the HRC website.

(mm) I'm willing to be on the sub-committee.

(at) I'm willing to be on the sub-committee also, on the sponsorship committee.

(js) I am interested in the communication piece.

(gc) I will work on the invite committee.

(mm) I will also assist with scoring and communication.

(fl) For scoring my goal is to partner with CSUB or BC.

(js) We can also ask the KHSD to be one of our partners. Can we have other people besides Commissioners assist us with the event?

(mm) We have done that in the past. That is how I became involved with the Commission. I would like to have an Essay Contest Committee meeting before our next regular meeting.

(fl) I will contact everyone via email to schedule a meeting.

6. **COMMITTEE REPORTS**

- a) Community & Media Outreach – No report.
- b) Education/Essay Contest – No report.
- c) Equal Employment Opportunity/Affirmative Action – No report
- d) Grants/Funding – No report
- e) Housing – Commissioner – No report
- f) Judicial & Legislative Review – No report.
- g) Law Enforcement - No report
- h) Special Issues – No report
- i) Access and Functional Needs – No report
- j) Annual Report Ad-hoc Committee – No report.
- k) Training/Mentor program Ad-Hoc Committee – No report.

7. **STAFF REPORT:** No report

8. **COMMISSION MEMBER PRESENTATIONS OR ANNOUNCEMENTS:**

(at) I went to a very nice event at Commissioner Banks' church last Friday. They had a video streaming of an event in Houston. What I liked was the police panel that talked about life issues and how people should interact with law enforcement. Commissioner Williams and Steve Hansen from KCSO also attended. It would be useful to put a panel of African-American law enforcement officers together here in town.

I also met with Supervisor Couch and talked about the Essay contest and our work

with KCSO and he was very supportive and happy to hear that.

(mb) The event created wonderful relationships not only with Steve Hansen but also with Peter Kang from the Public Defender's office.

(mm) August is Child Support Awareness month. We did a backpack giveaway at DCSS and gave away 2500 backpacks filled with supplies. Our staff raised 16,000 on their own to purchase the backpacks and supplies.

Every Thursday we will have workshops in our office. We will be having a community forum at the Beale Library discussing how to create a better life for your child.

(js) I would like to see a project calendar for the HRC that would allow us to both track items that we are working on and share community events.

9. **ADJOURNMENT**

Motion to Adjourn: (fl) 2nd: (at), All Ayes, meeting adjourned at 7:45 p.m.