

County of Kern
HUMAN RELATIONS COMMISSION-MINUTES

Regular Meeting
Monday August 20, 2012

Commissioners Present: Marisa Banks (mb), Carmen Bernal (cb), Marcus Mitchell (mm), Andre Taylor (at), Kathy Stobert (ks)

Commissioners Absent: Jewelle Scales, Tomeka Powell, Linda Carrick

Others Present: EEO Officer Michael Goulart (mg), Walter Williams, Tim McKinley, Ruth Leon, Karen Goh

Meeting called to order at 5:46 p.m.

1. FLAG SALUTE

2. Commissioner Mitchell welcomed community members.

3. PUBLIC PRESENTATIONS: None

4. APPROVAL OF MINUTES

July 16, 2012 Monthly Meeting

Motion to approve minutes (at), 2nd: (ks), All Ayes

5. NEW BUSINESS: None

6. OLD BUSINESS

a) Discussion of Kern County expulsion rates.

Presentation from Tim McKinley, Greater Bakersfield Legal Assistance:

The right to education free of race bias is in crisis in Kern. In the United States the average expulsion rate is about 1.5 per thousand. In California the rate is about 3.6 per thousand. In Kern County the rate is about 14 per thousand. Either our kids are a lot worse than everyone else's or there is something wrong with what we are doing.

The number of expulsions is disturbing. In 2009 there were a total of 2558 expulsions. District personnel were quoted as saying that the number is driven by the need to keep drugs and guns off campus. The numbers do not support the reasoning. The problem is that they are not expelling for those reasons. Of the 2558 expulsions, 270 were for the serious mandatory violations. The majority were discretionary expulsions. Kern County accounts for 25% of all expulsions in California. (Spreadsheet of expulsion information submitted by Mr. McKinley).

18.7% of expulsions were for White students, 22.6% of expulsions were Hispanic students, 39.8% of expulsions were Black students. Our district compared the numbers to San Francisco to indicate that there was a discrepancy due to the fact that San Francisco is a city and county and therefore they can't expel. The fact is that they can expel but their numbers are lower because they have a number of affirmative programs to keep kids in school. When you have the mindset that you strive to expel students that is what will happen.

I represented a student that was a Black female student and had intended to apply to the volleyball team with the ultimate goal of going to college. This student had an older sister that had problems with other girls. When she stood up for her sister, without striking a blow, she was put on probation. Approximately 4 months later she was in class and one of the girls picked a fight with her. The teacher instructed both girls to leave the class. As the girls were leaving the aggressor struck my client and the teacher.

The reports, which were delayed, indicated my client as the aggressor. When discovery was slow in coming the case had to be delayed for over a month, while my client was out of school. At the hearing the Dean insisted that my client threw the first punch. I produced an email from the teacher that stated the other student threw the punch. The dean said she never got it. I then gave her a copy of her email response to the teacher thanking him for his report. The dean still wanted the child expelled. The expulsion board declined to expel the child. As far as I am aware the child is still on probation and cannot play volleyball.

I had another client that was accused of possessing a firearm. In my personal experience qualified to give expert testimony in court, when someone has a firearm they normally possess other things related to the firearm. Pictures of the person with the firearm, targets or at least ammunition are normally in the possession of the person. In my clients case none of these things were found.

I asked for discovery which was delayed. I asked why discovery was delayed and I was told "we have to get our story straight". It isn't a matter of getting your story straight. As it turned out there were three witnesses that said they saw the weapon at 6:00 p.m. at night, in the winter time, with no light sources. One witness described the gun as looking exactly like the one used by the school police officer.

The officer's weapon which was a Glock that is made of a one piece resin body is entirely black. The witness stated that my client had a firearm that had a chrome grip. Again as an expert, I have never seen a Glock that has a chrome grip. I did extensive research and was unable to find a Glock with a chrome grip.

My point is this represents two instances of perjury from school officials. More troubling is the complete lack of curiosity from District officials about these incidents. If the mentality of the district is that it is ok to 'tighten up' a case by permitting perjury then we are in big trouble.

There are two issues. One is that we are expelling way too much. These numbers are an opportunity for curiosity. The district has announced that they are not going

to be expelling at the same rate. They will instead be using the voluntary transfer. The voluntary transfer will be reviewed by the Dean that is recommending the transfer. Of the 11 students that I have represented all but one were either factually innocent, legally innocent or both.

I represented one kid that was 10 years old. On the first day of school he patted a female student on the butt and told her that was how football players celebrate a touchdown. Although the behavior was not acceptable he was charged with sexual battery. This is a mandatory reportable offense. For an act to be sexual battery it is required that the action was done for the purpose of sexual gratification. He was also charged with performing an obscene act. In this day and age how can that be obscene?

Kern County accounts for 25% of all expulsions in the state of California for obscene acts. I thought that these charges would be reduced at the appeal but I had no way of doing anything. The appeal board had already made their decision. During the process the child was sobbing and none of the administrators did anything to comfort the child. This mother had been asking for help with this child but none had been offered.

In working with career criminals they all tell me the same thing. Things started to go bad for them in the second grade. As they were advanced from year to year things got worse and by the time they were in middle school they were angry.

A strategy that could be used but is not used widely is in-school suspension. The one thing that kids value the most is their relationships with other kids. In-school suspension could be effective while keeping the kids in school.

I had a client that went to school in Arvin. He was accused of belonging to a gang because he was seen associating with members of the gang. These were the people that he had grown up with. Who else is he going to hang around with? The school administrator was seen taking pictures of the student and his friends. I asked for the pictures in discovery but they were not forthcoming. The district doesn't seem to care about these issues and I want to know why.

The other thing that they do is attempt to trick the parent into signing a waiver to get the kids back in school. Only later do they learn that they have waived the right to an appeal. Schools give Spanish speaking parents an English copy of the waiver to sign and then show them a Spanish copy that is mostly covered up and have them sign it.

Many of our students look to athletics or the military for a college education. You're not allowed to play athletics if you are on probation. If you can't play athletics in high school you aren't going to play them in college and you certainly won't get a scholarship. If you are expelled in high school do not bother applying to any branch of the military because they won't take you. When we suspend and expel students in school what we are really doing is sentencing them to a life of poverty.

(mm) Have you actually seen the waiver?

(McKinley) It waives the right to a hearing and admits the violation.

(mm) What is the hearing panel?

(McKinley) The panel is made up from administrators from other schools.

(mm) Have you seen cases that have gone beyond the initial appeal process?

(McKinley) In the case of the weapon it was based on hearsay. The district said it was reliable hearsay and the Board asked the administrator the difference between reliable and unreliable hearsay.

(at) Are any of the cases that you spoke of today currently in litigation?

(McKinley) Not currently.

(cb) You gave a lot of examples of issues that we have talked about. What are your recommendations for dealing with these issues?

(McKinley) The problem starts in elementary school, the preparation needs to start there. Students with issues should be monitored through high school for progress.

(cb) In terms of meeting graduation requirements?

(McKinley) Yes. We also need a change in attitude. I would begin by changing the way that the High School District promotes staff. The first promotional opportunity for first line administrators is after they have a couple of years of experience as teachers. These people have little training. Other districts have looked at these issues and substantially cut their expulsion rates.

(Walter Williams) One of the problems that we have is dealing with a lack of sensitivity and stereotypes. One of the issues discussed at the previous meeting was poverty. Poverty is not always an issue. Poor Black kids should not be stereotyped. You have to adjust the response to the specific child's situation.

There are programs available that the schools are not using. Project 180, in-school suspensions are supposed to fit the character of the child. This is not being done. Parents are not told about support programs and given the right to select the appropriate program. Mentoring programs are used in other districts and they are effective. A student sees a mentor as someone that they can identify with. We know that it all starts in the home but there are programs available that are not being used.

We have to look at the issue from the top down. If the organization has a goal in mind then that is what will be achieved. The administrators set the tone and the staff follows.

(ks) Donald Carter mentioned a board that reviews discipline but does not include

anyone from outside of the educational system. People that are not involved in the educational system can offer a different perspective. Parents should be involved in this process.

(Walter Williams) Parents should be involved and other support agencies should be involved as well.

(ks) It would make sense to have others on the panel such as social workers and/or psychologists.

(mb) Mr. McKinley, how do clients find your services?

(McKinley) Desperate parents have been able to find me and I also have a presence on the internet.

(Walter Williams) We would also like to meet with churches and community organizations. We would like to let people know what is going on. I can be reached at 817-9847 to arrange a meeting. Similar to the three strikes law, a particular guideline can cause other issues.

(mb) This information and issue could be addressed at orientations and back to school night. Parents should be informed that if you have this type of an issue there is someone to contact.

(Williams) We would like to do that but schools have not wanted to let us in.

(cb) Previous presenters told us about numerous intervention steps. In the cases that you have represented do you feel that adequate intervention took place?

(McKinley) Not in the cases that I have had. Counseling did not exist. Again, the numbers do not justify the explanations that they give us.

(ks) We used to have school psychologists. Do you know if they still exist?

(McKinley) They are few and far between.

(cb) In your opinion, does bullying exist among teachers and administrators?

(McKinley) I know of a situation where the former teacher went out on leave. The teacher that filled in for her was a former Correctional Officer. It was reported that the student's behavior went downhill until the regular teacher returned. It has a lot to do with the attitude of the teacher.

(McKinley) Have you received any follow up information to date from the Kern High School District or the Superintendent of Schools?

(mm) Not yet. We are preparing a letter to ask for some additional information.

(at) I find it troubling that they have not contacted us with any follow up information.

(Ruth Leon – Sen. Rubio's office) I wanted to thank the Human Relations Commission and Mr. McKinley for the presentation.

b) Discussion of Annual Essay Contest

(cb) Last week I met with Commissioner Mitchell and we created an outline of what we needed to do (copy of outline provided to Commissioners). We went ahead with the date of Thursday, November 8th and reserving this room (3rd floor multipurpose room).

I have a list of follow up items that I would like to share with Commissioners to get additional information (as submitted). We need to work very fast and we need to get other Commissioners to assist with the event. I propose that we meet again next week.

(at) I would like to assist you.

(cb) I would like to recruit more members to the Essay Contest Committee. I will email the outline to the rest of the Commission. If any information is available from previous years it would be helpful.

(Goulart) I can give you all of the information from previous years including the packet that we send out to schools. I will make the standard caveat, if you meet in committee you must ensure that you do not reach a quorum of commissioners, otherwise we will need to post the meeting.

(mm) I thought that I saw some information at one time that listed all of the prior themes. If that is available it would be helpful. I understand that Michael has a list of schools that we send the information to.

(Goulart) We normally send the information out to all middle schools in the County. Last year we tried a different approach in that we used a single point of contact at the Superintendent of Schools office and we did not get the same results. The support staff in my office can send the information out.

The packet that I will send includes the award guidelines, entry process and the theme. What we really need is an essay prompt that discusses the theme and tells the students our basic expectations for the essay.

(mm) With the date in mind, do we have enough time?

(Goulart) I think that the timeframe we are discussing would not give you enough time to adequately inform the parents in advance of the banquet. My suggestion would be for the entire process to last at least 90 days.

(mb) I think that maybe we should give the winners something more tangible to get them excited.

(Goulart) That is up to the commission. The Series E Bond allows the commission to pay for one half of the face-value of the bond. We also need to keep in mind that any monies that come in via donation need to go back out. We do not want to have a carryover balance in the Human Relations bank account.

(mm) The last time we did this each commissioner made a commitment to sell tickets. We need to discuss doing that again.

(Goulart) In the past the HRC has provided two tickets to each winner. One is for the student and one for a parent or guardian. We normally have 60-70 attendees at the event. If we use the Renegade Room at Bakersfield College they require a commitment of 75 people in order to give us the venue for the evening. Cost varies by location.

(cb) When we meet we will look at some dates in January, but no later than February, for the banquet.

7. 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 Carrick, Chair – 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 – Mitchell, Chair, Taylor – No report
- k) Training/Mentor program Ad-Hoc Committee – Bernal, Mitchell – No report

8. STAFF REPORT: No report.

9. COMMISSION MEMBER PRESENTATIONS OR ANNOUNCEMENTS:

- (at) Happy to see the outcome of tonight's meeting. The attendance and conversation was very positive.

10. ADJOURNMENT

Motion to Adjourn: cb, 2nd: at, All Ayes, meeting adjourned at 7:15 p.m.