

County of Kern
HUMAN RELATIONS COMMISSION-MINUTES

Regular Meeting
Tuesday September 10, 2013

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

Commissioners Absent: Manuel Cantu, Marissa Banks

Equal Employment Opportunity Officer: Michael Goulart (mg)

Others Present: Francis Moore, Greg Gonzalez

1. **FLAG SALUTE**
2. **PUBLIC PRESENTATIONS: None**
3. **APPROVAL OF MINUTES**

August 13, 2013 Monthly Meeting

Motion to approve minutes with correction (at), 2nd: (gc), all ayes (Williams not present)

4. **NEW BUSINESS: None**
5. **OLD BUSINESS**

a) Discussion of high school suspension/expulsion rates issue

(mm) The action item from the last meeting was for each Commissioner to prepare two recommendations for moving forward.

(at) I believe the two primary issues are the waiver process and discretionary expulsions and suspensions. My recommendation to the Kern High School District would be if they would allow the parents to have representatives. First would they be willing to modify their policy to allow a representative to be there with the parent when discussing the expulsion or suspension especially when the parent's first language is not English.

Second would be to allow the parent a 3-5 day period to allow the parent to meet with someone prior to signing the waiver.

A question that I have is if the KHSD acknowledges that the number of suspensions or expulsions is higher than they would like and if so, would they look at ways to reduce that number.

*Commissioner Williams arrives.

(js) I don't think we have enough information to bring forth strong recommendations although I do have some ideas. I have had the opportunity to sit on other boards with people that work for the KHSD and we have discussed the expulsion issue because it is a hot topic and I have learned a couple of things.

One of the administrators told me that the KHSD cannot talk about any details of the expulsion. What the parent can do is take all of the information and give it to anyone that they want. They can also have any type of representation they want at the expulsion hearing.

(at) At the hearing or at the waiver process? If they sign the waiver they don't go to the hearing process.

(js) I also learned that if they are waiving the hearing, while the student is waiting, the parent can come in and pick up work so there is no break in the educational process.

(mm) They can't be on campus but they can get school work in the interim.

(gc) If they waive the hearing it's an immediate enrollment in the community school

(js) I heard that there are two types of schools. There is community day school which is run by the district and community school which is run by a county entity.

(mm) When a student is expelled from the district they go to the county school. The day schools that you are speaking of are referred to as continuation schools. Those are considered involuntary transfers and are not considered expulsions.

(js) The permanent record doesn't include anything about a suspension or expulsion, it's not mentioned. So if they are applying for college and no one asks the information they don't have to give it.

After I got that information I was wondering if I really have enough information. I would like to sit down and have a conversation to see what the process really is. I would like to talk to them and have a conversation about how the process works, step by step. I still feel like I don't fully understand the process. The administrator said that the problem is not as bad as it sounds.

(at) It depends on which side of the desk you are sitting on. It is a severe situation that can follow someone for their career out of high school so it is a very serious issue.

We have the data in the area of discretionary and mandatory suspension and expulsion. There is a significantly higher amount of discretionary expulsions rather than mandatory. I'm not clear what additional information you need in terms of discretionary expulsions.

(js) I was told that they are not allowed to expel children for solely behavioral problems anymore. If they are not behavioral issues that warrant a mandatory expulsion, they are not allowed to expel them for things like that anymore.

(mm) That is not what they represented in the meeting here with us, they were clear that most of the expulsions are not mandatory they are discretionary and they are regarding behavior.

(ww) they are doing better in grades 0-8 . That's where the real change came about. In high school the issues are still the same. They kick someone out but they don't call it an expulsion they call it a transfer. You are talking about what they no longer do in the Los Angeles High School District.

(js) My recommendation is that we sit down with a representative from the district and they walk us through the process so we know what it actually looks like and how they achieve those numbers.

The second thing that I recommend is that they put the consequences on the waiver form. This was it would be clear that when you sign it you have all of the information.

(fl) My first recommendation in response to the letter echoes Jewelle's second. Not only do I want the consequences spelled out but also a place to initial that you have seen and read what the consequences are. I would also like there to be a carbon copy that stays with the parent. Consequences are broad and I'm not sure what that will look like but something that is there for them to read, acknowledge and sign.

(ww) We heard a story from one person from Arvin that said they gave him something to sign in English and he is not bilingual so he didn't know what it said but they told him he had to sign it.

(mm) I think that Commissioner Williams is speaking about a member of the public that said the waiver was presented in English and a Spanish speaker was required to sign the waiver before being given the Spanish translation. I am not sure if an interpreter is provided at any time to explain the process.

(ww) We also heard that sometimes there is a delay in receiving schoolwork and some schools give it and other don't while the student is waiting for the hearing.

(js) The story that I am hearing is totally different.

(mm) Fiona you gave us one of your recommendations was there a second?

(fl) My second is to have a one or two page informational flyer on the pros and cons of the waiver process vs. the hearing process.

(at) I'm not sure we need to listen to stories here. We have data to review that

reflects the facts of the matter. The facts say that there is a tremendously high discretionary expulsion rate vs. mandatory. If we are confused about procedures we can go on line and the procedures are spelled out. At this point we have had several presentations from GBLA in which they provided data. We have had KHSD leadership come and provide a presentation and they have given us additional data. I believe we have enough information today to move some of our recommendations forward. I'm not clear what additional conversation needs to happen for us to assess what the current situation is.

Do we have recommendations that we can move forward with today that would allow us to engage in meaningful conversation with the KHSD and address this issue of the waiver which I think we are all in agreement needs to have some changed to it.

There should also be a process where the district is saying, how we can reduce the number of discretionary expulsions. I would like to know what action plans they have and what they are willing to do to try to address the situation. In my mind the Commission needs to act.

(fl) I feel like those are two different things. They are already coming to the principal's office and they are going through the process where they are getting to the waiver and we are talking about adding on verbiage so they understand whether or not they are going to go to a hearing or waive their rights. But now we are talking about before they come to the principal's office which is more program oriented or educational outreach oriented. I don't know if we are talking about the hearing and waiver process or what happens in the classroom before we get to the principal's office.

(gc) My understanding is we aren't discussing the classroom. We are discussing the waiver, the discretionary expulsion and I believe that we were supposed to come today with two suggestions answering the letter that they had sent us.

The only two questions that I have would be, what number of students receives probation in lieu of expulsion and what is the ethnic breakdown of those who received probation?

(fl) If we get that information what does it solve for us? I am trying to understand what we are trying to decrease as a Commission.

(gc) What I thought we were reaching for was the discretionary expulsion of students of color. One of the things that we know is that there is some amount of discretion in the expulsion. My question would be how many students are allowed to return to school that have been expelled and what the ethnic breakdown of those students is? We have the data that tells us that students of color far outnumber in expulsion the number of students that are being expelled.

(fl) So is our goal as a Commission to lower the number of discretionary expulsions for minorities?

(gc) I think the goal is to lower the number of expulsions for all students which will, in turn, lower the number of expulsions for students of color.

(fl) So is that through the waiver program?

(gc) That is through discretionary expulsions.

(at) It is also through the waiver process because if people have a better fundamental understanding of the waiver process and they understand that they can go to a hearing and get representation and the student can remain engaged that it is another option. Today we are not sure if parents understand that option and feel comfortable taking it.

(fl) So if they take that route they are not going to be expelled so it would help us meet our goal of lowering the amount of expulsions?

(at) That's a possibility yes.

(js) My understanding is that parents do know that information, that they can pick up the work for their student at any time and there is no break in the child's education. If we make recommendations, we want recommendations that are based on information that is relevant and accurate.

(gc) On that point, from my experience in working with a high school district, not KHSD, what the students were told was that the teacher does not have to give them homework when they are on disciplinary leave. I don't know what the Kern High School District rules are so that may be something that we need to have the KHSD clarify for us.

(mm) Walter do you have two recommendations?

(ww) I just want the breakdown of the number of discretionary expulsions, especially people of color.

(mm) Commissioner Banks sent me her recommendations. They are to implement a policy to ensure that while students are waiting for hearings all class work in every subject at every school is provided in a timely manner without hassle or intimidation. Her second recommendation is expansion of the impartial panel to include a diverse group of persons not affiliated with the KHSD whom can be sworn to confidentiality due to privacy issues especially for discretionary expulsions.

(gc) The reason that I came up with my suggestion was because of their response to question four they cite the education code regarding written notice of action to expel a student or to suspend the expulsion. That is where my question came up.

The way that it happens is that you sign the waiver or go to the Board for a hearing but when you sign the waiver it still goes to the Board for final action. When the Board reviews it they can expel you and then suspend the expulsion. My question

is, how many students are expelled but then have the expulsion suspended? And what is the ethnic breakdown?

(mm) So unless you sign the waiver you are not expelled until the Board reviews it?

(gc) You are not expelled either way until the Board reviews it. The Board reviews it and if you have signed the waiver the Board will agree with it. If I say I want a hearing it will take place in thirty days or less. The Board can have the hearing and decide that they are expelling you but suspending the expulsion and placing you on probation and sending you back to school.

(js) Why would they do that?

(gc) I have my own personal beliefs of why they would do that but I know that is has taken place. The reason for my question is to ask how often it happens.

(js) Do they look at it and say, "This just doesn't warrant an expulsion, let's go back and do something different"?

(gc) That would be the beauty of it if that is what they did but my question is not why they make the decision but how many are suspended and the student is allowed to return to regular school.

(mm) I would need clarification from them as to why that is done. The part that I don't understand is why they would sustain a suspension and then return someone to school. At that point they would have the opportunity to overturn the expulsion because that is what the hearing process is for. I have not heard of any instances when they sustain an expulsion and return the student back to school.

(fl) If we have that question answered, how is it going to lower the number of discretionary expulsions?

(gc) It won't lower the number but it will clarify to me exactly what I am fighting for. It will clarify to me why I am sitting here and asking the question and making suggestions.

(fl) So we are agreeing that we still need clarification on the process then?

(gc) I thought that's what we were going to discuss. What we were going to take back to the KHSD in response to the letter.

(fl) So are we confirming that we are not ready to make recommendations?

(gc) No we are not confirming that, what we are confirming is that there were some additional questions that we are bringing to the Board tonight. If we do not need those answers then we don't need them. If the Commission is comfortable without that information I'm comfortable to go along and with that and either vote in agreement or not.

(at) I agree with Commissioner Collins.

(mm) Which Commissioner wants to move forward and contact the KHSD? I also want to make sure that we are clear about what we are asking for. I would encourage everyone to go back and read the minutes from the meeting that the KHSD attended.

(js) I'm comfortable with moving forward with recommendations.

(mm) I'm not sure that we are because it sounds like we have several Commissioners that would like to have more information before we make recommendations. I think that if we can ask staff to provide the minutes from that meeting and review them we can all better understand the process and ensure that questions that are being asked have not already been answered. I don't want to go back to the KHSD and ask questions, one at a time. I don't know that it would be the most professional approach to ask questions and then follow up with new questions after each contact. I do not want to rush to do anything.

(mg) The Minutes are available to night if you would like them.

(fl) Can we also get a link to the online documents for their process?

(mm) The State data is available online.

(mg) Yes I sent the link in the past and I can send it again.

(mm) It's ok if there is more work to do because we want to make sure that we have all of the information before we go back.

(at) We have a duty to do our due diligence and it is problematic to keep going back to the District and asking for more information but when will we be able to move forward with recommendations? If we are here discussing things that have happened in the past and are planning on moving forward we have a responsibility to review the information from previous meeting and be prepared to act.

(at) My concern is that this has been going on for a long time and we are still in discussions today. Kid are still getting expelled. People do still not understand the waiver process and we have still not dealt with the issue that the community brought to us.

I would submit that if we decide to table this we all make a commitment to say that this is the last time that we are going to table the issue unless we have some legitimate issues that come from the discussions that we have that beg for more questions and more information.

(js) I'm not saying that we table this at all. I think we need to move forward so that we have momentum in terms of a Commission.

(gc) In light of Commissioner Taylor's statement and the fact that the Commission

has been working on this for more than six months, I withdraw my questions. I am comfortable with getting the information on my own if it will allow the Commission to move forward.

(mm) I think we are still in the same place. I'm going to be as conservative as I can while I sit as the Chair. I am not willing to move forward since it looks like the Commission is divided. Not simply because we are divided but I think that more questions and more research is required. I think we can do that before our next meeting. Unless another Commissioner wants to make a motion to move forward, I am comfortable with getting the additional information and addressing it at the next Commission meeting. I think it is really important that we don't risk our credibility by not standing united on this front.

(fl) I would like to see a clear goal that says if we were to lower discretionary expulsions of minorities this is how we are going to do it. That is what I am unclear on.

(at) We can't really do that. We are not in position to do that but my recommendation is that we pose that question to the KHSD and let them tell us how they plan to deal with expulsions and behavioral issues. Ask them if they are willing to address that issue and if so, how?

It is more of an issue of them (KHSD) acknowledging that the expulsion rates are much too high for all students and that they want to reduce that.

In my mind there are two specific issues: overall reduction of discretionary expulsions in the KHSD and making sure that there is actual due process in the waiver process for those that are being expelled.

(js) I'm ok with moving forward.

(gc) Are you making a motion to move forward?

(at) I'll make the motion to move forward.

(gc) I'll second the motion.

(mm) Move forward to do what?

(gc) To move forward and do exactly what Commissioner Taylor said, to ask the KHSD whether they were willing to address the issue.

(mm) Can I have a clarification of the motion and the recommendations from the Commissioners?

MOTION: by Commissioner Scales to move forward with the recommendations of the Commissioner and send them to the Kern High School District. **SECOND:** Commissioner Collins. **IN FAVOR:** Williams, Scales, Collins, Taylor. **OPPOSED:** Mitchell, Lytle.

(mg) Can I have the Commissioners restate their recommendations for clarification?

(at) My recommendations are to allow the parent to have representation available when they are presented with the waiver and during that discussion. Next was to allow a 3-5 day time frame for the parent to seek counsel during the waiver process. My final recommendation is to ask the district to develop a strategy to reduce the overall discretionary expulsions.

(js) My recommendation would be to list the consequences for signing the waiver on the form.

(fl) I recommend the KHSD adds a brief statement on the waiver asking both the student and parent to read the consequences and acknowledge by initialing the form. I would also recommend that the form have a carbon copy that stays with the parent and student, as well as, the school.

(gc) My only suggestions would be to have an interpreter available for Spanish speaking parents during discussion of the waiver but not for other languages.

(mg) It may be more appropriate to recommend simply that if English is not the first language, an interpreter be available.

(gc) I agree with that recommendation.

(mm) Marissa's recommendations are as follows: implement policy to ensure while students are waiting for hearing all class work, in every subject, at every school is provided in a timely manner without intimidation or hassle.

The second is expansion of the impartial panel which now includes three or more certificated persons, to include a diverse group of persons not affiliated with the KHSD who can be sworn to confidentiality due to privacy issues, especially for discretionary expulsions.

(ww) I would like to know what the percentage of discretionary expulsions is for people of color.

(gc) Now we are discussing recommendations not questions.

(js) We have discussed exercising our own due diligence if we still have additional questions but for now we are discussing moving forward with recommendations.

(ww) My question is still, I want a breakdown of how any discretionary expulsions there are per month.

(mg) Commissioner Williams the motion was to move forward with recommendations.

(ww) I'm not trying to hear all of that because right now it's very important to hear that number.

(mg) Excuse me for a moment Commissioner Williams. I know it may not be important for you to hear it but we need to work within the constraints of our process. The motion was to move forward with recommendations and we are currently just restating the recommendations for clarification purposes.

(ww) Ok, then what we have right now should cover all of that.

(mm) My recommendations are included in all of these. I will prepare the document to send to the KHSD.

b) Discussion of Essay Contest

(fl) We are trying to move forward with a spring banquet and Commissioner Banks has contacted Bakersfield College and the Renegade Room is available. We are awaiting confirmation of the date. We are hoping for March 27th. Commissioner Banks reported that we can have up to 80 people and we need to guarantee 50 in order to book the room and they can provide a buffet plate for \$15 per person.

If we can book that date we will have include it on the letter that we will present when we attend various school board meetings. Commissioner Mitchell would you like us to look in our own districts and figure out when the school board meetings are scheduled?

(mm) I can do that and I am going to provide everyone with a list of middle school districts. That way you will know which ones are in your district or area. We will be asking you to appear at school board meetings in your area once we have prepared the information packet.

(mg) The list that you have is for all of the public middle schools. In the past we have informed private middle schools as well. If the Commission wants to include those schools again I can serve as the liaison if you like.

(fl) Last month we passed around a sample letter and I only added a couple of edits adding that there will be savings bonds and plaques awarded to the winners. We kept the fact that we will be doing both essay and art projects and we clarified the essay prompt. From your offices standpoint, is there anything that needs to be changed or addressed?

(mg) No, it looks fine to me.

(fl) The only thing that I would change is if we don't hear back from BC or if you attend a meeting before we have confirmed a date if you would just change the form to indicate "spring" banquet.

I also had a question about the logo and I don't know if a need to ask for approval.

(js) That is ok. It is the logo that we use for our stationary.

(at) Did we come up with the number of awards and what the dollar amount will be?

(mg) That was not discussed in the Committee Meeting. Final decisions have not been made.

(mm) This is to get the introductory information letter out so that we can start introducing the concepts to the potential participating schools.

(fl) We also talked about the ability for them to write the essays at any time but the awards will be given out in March. We still need to talk about soliciting for funds and reaching out to other schools to ask for assistance in judging the contest.

(js) In previous years we listed the dollar amounts when we sent out the information so that people would know so you might want to have another committee meeting prior to sending the information out. Including the award information may be an incentive to get students to participate.

(mg) I think the committee will be moving forward with these ideas. I believe that the plan was to move forward with some targeted marketing to the districts, try to develop interest and then ask representatives of those districts to contact me so I can provide a complete information packet.

(gc) I see that some of the schools on the list are not checked and I wondered if the check mark indicates something.

(mg) I am not sure. My office worked on the list and prepared a mail merge as well. I do not know what the marks indicate. I can find out but the ultimate goal is to contact every middle school in the County.

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 –

(js) If you were watching the news recently you would have seen that there was a large march in support of immigration reform. The group marched to Kevin McCarthy's office here in Bakersfield. The march

appeared to be very orderly.

I bring this up because we may be seeing people appear here at our meetings to discuss this topic. There is currently a bill moving through the senate.

g) Law Enforcement –

(at) Commander Steve Hansen and I attended an event at Compassion Christian Center. During the forum I got a chance to meet the head basketball coach of CSUB. He contacted our office last week and asked if the Sheriff's Office would be willing to go out and have a discussion with his team in regards to law enforcement issues and things they need to be aware of as kids new to the area.

Commander Hansen agreed to go out and talk to the team. This is an example of the way the KCSO is trying to go out into the community and establish relationships. I appreciate this effort and look forward to going out to CSUB.

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:**

(mg) I just wanted to thank everyone for bearing with me last week. I know that I tried to have contact with a couple of you regarding Commission activity. I also contacted some of you regarding an opportunity to assist the Personnel Department with the oral examination process for our Firefighter examination.

I'm sorry that the request came at the last minute unfortunately you were not able to assist us but I wanted to report that we were able to get the assistance of a diverse group of community members to help with the process.

Also, as there have been questions posed about the diversity of the workforce in County safety departments at previous commission meetings I wanted to briefly describe what our recruitment process entails.

The Personnel Department recruits for firefighters on a biennial basis. Prior to the application period, our staff, along with the Fire Department, conducts numerous meetings in various County communities to inform residents about the job, general requirements of candidates and the examination process.

Once candidates have passed a written and physical agility examination we conduct an oral examination. This was the process we conducted last week. The reason that I called some of you was because the Personnel department makes every attempt to ensure that oral examination panels mirror the diversity of the community and the applicant pool.

Ultimately, we did achieve a nice balance of participating panel members and although none of you were able to assist this time, I appreciate your consideration.

8. COMMISSION MEMBER PRESENTATIONS OR ANNOUNCEMENTS:

(js) I want to thank the Sheriff's Department for coming tonight. We have been doing some behind the scenes work in developing out pilot academy for District 5. As a review, we initially met with the KCSO and asked how the HRC can develop a relationship with them, how we can understand law enforcement from their perspective and how we can collaboratively share that information with the community?

Our outcomes are to create a modified version of the Citizen's Academy with relaxed background requirements. We brainstormed to identify with core community leaders.

I have contacted the NAACP, the faith based community, GBLA, BPD and youth groups. I have developed criteria for who is a key community leader. We want someone who understands the distrust from and can speak to both sides. We want someone who has the pulse of the community and can act as a balanced voice for our vulnerable populations.

We need to meet and finalize the criteria so that we are really getting the right people for the types of discussions that we want to have. Former Commissioner Hererra is interested in being involved. I still also need to get involvement from a youth group. I was also told about the National Association of Brotherhood. They are a community group that has street level experience in dealing with folks.

(ww) They also have experience in dealing with gangs.

(js) Yes, I have that down as well. I want to make sure that we have a balanced group of participants to add to the conversation. We want to have a balanced discussion instead of a heated debate.

A question that we thought we could ask the group is this. If I could ask law enforcement any question, what would it be? And from those responses, develop the core curriculum. I will be making phone call to move that process forward.

(ww) The NAB is also certified and trained by the state. The contact is David Williams and his number is 374-9730.

(js) I will be making the phone calls by Friday. If we cannot meet face to face, we may be able to use teleconference or Skype.

(Francis Moore – KCSO) We are more than willing to do that and regarding backgrounds, we have had some discussion about no background requirement. Since we are planning on a process where we go to you instead of you coming to us there will be no need for a background.

We want to touch the very root of the misconceptions and misunderstandings. Sometimes those are the kids that are out there and involved in the incidents. If we can attack it at that level it's not going to grow. Sometimes we find the problem with the media when it grows into a huge animal that was not there at the root.

(js) With this core group we need the right people at the table and we need to ask them questions before bring everyone forward.

(ww) I appreciate you doing away with the background and understanding that you need to deal with the people that you arrest sometimes so that they can quit looking at you as a monster. I tell them that you have good and bad on both sides but we sure need law enforcement.

(Moore) We are going to be exposing some of our staff, who, I'm sure are going to feel very vulnerable but it will be a learning process for them as well.

(ww) I was asked by a member of BPD to talk to his academy about cultural sensitivity of the Black neighborhood. I explained that you need to be sensitive to the difference between people in the community that are just looking out for their neighborhood and people that are just snitches. Snitches are normally involved in the activities. Other people are just looking out for their community.

(js) Also, as a long term goal we want to create an educational video with the conversation that we have that we can circulate to different communities

9. **ADJOURNMENT**

Motion to Adjourn: (fl) 2nd: (at), All Ayes, meeting adjourned at 7:05 p.m.