

County of Kern
HUMAN RELATIONS COMMISSION-MINUTES

Regular Meeting
Tuesday November 12, 2013

Commissioners Present: Greg Collins (gc), Jewelle Scales (js), Manuel Cantu (mc), Marcus Mitchell (mm), David Vivas (dv), Walter Williams (ww)

Commissioners Absent: Marissa Banks, Andre Taylor, Fiona Lytle

Equal Employment Opportunity Officer: Michael Goulart (mg)

Others Present: Francis Moore, Ron Wakabayashi, Marquez Equalibria

1. FLAG SALUTE

Flag Salute lead by Commissioner Scales.

Commissioner Mitchell welcomed Commissioners Vivas and Cantu.

2. PUBLIC PRESENTATIONS: None

3. APPROVAL OF MINUTES

October 8, 2013 Monthly Meeting

Motion to approve (mc), 2nd: (js), ayes: Collins, Williams, Vivas, and Scales
Abstain: Cantu, Mitchell

4. NEW BUSINESS:

None

5. OLD BUSINESS

a) Discussion of High school suspension/expulsion rate issue

(mm) I have sent a draft letter out to each of you and I am passing out copies as well. This is a draft and I would like any feedback that you may have. This letter is based on the recommendations that the Commission made, based on the minutes from a previous meeting.

(mc) I am a vice principal of a high school and I deal with this every day. I believe that a parent has up to 10 days to seek counsel on a regular expulsion process.

(mg) Since this is related to the waiver specifically, do the parents have 10 days to consider signing the waiver?

(mc) I believe they do.

(mm) So after the waiver is presented to them they don't have to make an immediate decision?

(mc) I believe they have 10 days but I can check with my student services. The 10 days comes to mind as the amount of time that a parent has to seek counsel or waive counsel support or intervention.

Since this is my first meeting, what was the premise for this letter?

(mm) We had a hearing about a year and a half ago with members of the community and representatives from the Kern High School District. They did a presentation about the expulsion process because Kern County's rates are the highest in the state. That began the discussion.

From that meeting we had a hearing and a question and answer session with the community and the district. We then sent a follow up letter that asked for additional information and from that we met as a Commission and crafted what recommendations we would like to see as changes to the process. Right now the expulsions are still far outside what the norm should be. We think our recommendations would allow them to change the process, lead to more fairness and allow families more time to seek representation.

We heard from members of the community that they are Spanish speaking that they were asked to sign waivers written in English. We also heard that people were not allowed representation while at the hearings. The minutes from the July 2012 meeting are available on our website.

This letter outlines the recommendations that we would like to make.

***Commissioner Scales left the meeting at approximately 5:45 PM.**

(mc) In #6 what is normally done in our district is that we refer them immediately to "court school" on a temporary basis. Did they mention that?

(mm) They don't do that. Assignments are gathered and sent to the student so they are basically out of school until there is a waiver or until the hearing. There was mention that they try to make sure that the students get their work so in the event that the discipline is overturned the student can go back to class and not be behind. But, that is not formally part of the process so that is why we are recommending the change.

In number 7, are you asking for someone other than certified personnel to be involved in the meeting?

(mm) What happens in your district when you conduct the meeting?

(mc) We have the parent, student, a liaison which is a district employee that

translates and gives information. Although we provide paperwork in Spanish, the meeting is held in English. Everyone else that is involved is either an administrator or a teacher. In the meeting there is no neutral party.

(mm) Although we are making these recommendations, I do not know if they can comply because there may be something in the Educational Code that dictates the process.

(mc) In my district the panel is created by the superintendent. There are school site councils that are parent driven and they could possibly be part of the process.

(mm) That is what we are envisioning.

(ww) Is your school district part of the Kern High School District?

(mc) We are our own separate district.

(ww) When KHSD tells us that it is part of a policy or a law, should we investigate that?

(mc) I can research what the law says to determine who can be involved. There may be issues related to confidentiality and who can participate in the process. We have a hearing panel and then the Board makes the decision. Guests are brought in that can speak on behalf of the student but they are not a voting member of the panel that makes the recommendation.

(mm) We even talked about someone from the community being appointed to the panel on a regular basis but someone that does not necessarily have the same interest and background as the panel. It would not have to be a friend or representative of the student but they could be a voting member of the panel.

(mm) Is there any other feedback or changed that need to be made to the letter?

(ww) Did we talk about legal assistance information being placed on the form?

(mm) That was not one of the items that were discussed.

(ww) I wonder if we could recommend adding the information about legal assistance to the waiver.

Motion: by Commissioner Williams to include a recommendation to add information about legal assistance to the waiver document. Second: Commissioner Collins; All ayes.

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) HRC/Community/Sheriff's Department Ad-Hoc Committee –

7. **STAFF REPORT:**

(mg) I would like to welcome Commissioner Cantu. We worked together briefly at Employer's Training Resource 16 or 17 years ago and I look forward to working with you again.

Also, the most recent bank statement for the HRC indicates that there is \$247.85 in the account.

Francis Moore from the Kern county Sherriff's Department: I do not know if this is the appropriate time, but I have a question about the Collaborative Committee. I received an email last week that said Commissioner Scales will no longer be a part of the committee and I was wondering if there will be a replacement for her.

(mm) There is not going to be a replacement because I had a conversation with her and she indicated that she will be continuing her participation with the committee. If she does not, there will be a replacement but I think she is going to continue.

(Moore) That is terrific because she is a wonderful partner.

8. **COMMISSION MEMBER PRESENTATIONS OR ANNOUNCEMENTS:** None

9. **ADJOURNMENT**

Motion to Adjourn: (dv) 2nd: (ww), All Ayes, meeting adjourned at 6:03 p.m.