

BUDGET PRIORITIES

District chooses to violate 50% law... again

Decreasing percentage of budget spent on classroom instruction each year

by Monica Malamud, AFT 1493 President

Our District is out of compliance with the 50% law, a well-known section of the Education Code which requires that a minimum of 50% of a district's Common Expense of Education (CEE) be spent on salaries of classroom instructors each fiscal year. In the 2016-2017 academic year our District spent only 45.63% of its CEE on the salaries of classroom instructors, falling short of the required 50% by a significant amount. As a result of this, our District is significantly out of compliance with Ed Code §84362.

Not all faculty compensation counts towards "classroom instruction". Compensation for non-instructional assignments is "on the other side" of the 50% Law, but the vast majority of faculty assignments are instructional. AFT 1493 highly values and strongly supports expanded student services and the need for non-instructional faculty positions, as well as for non-faculty employees, who perform important duties in our District under the umbrella of Student Services. Funding expanded student services, however, does not make it acceptable to underfund the core educational role of classroom instructors.

Lower percentage spent on classroom instruction each year

AFT previously reported on our District's failure to comply with the 50% law in the March/April 2017 issue of *The Advocate*. That article was based on 2015-2016 expenditures, which showed that only 48.38% of CCE was expended for salaries of classroom instructors. And this came on the heels of two years when the 50% minimum was just barely met (2014-2015: 50.21% and 2013-2014: 50.53%).

It is clear that our District is spending decreasing percentages of their budget on the salaries of classroom instructors each year. What's more troubling is that, after violating the law in 2015-2016, instead of taking any measures to rectify this, our District continued to divert funding from instruction and violated the law by an even greater margin in 2016-2017. The District's own most recent audit report, produced by Crowe Horwath LLP and based on the fiscal year ending on June 30, 2017, reads: "**2017-001 STATE COMPLIANCE - SIGNIFICANT DEFICIENCY - SALARIES OF CLASSROOM INSTRUCTORS (50 PERCENT LAW.)**" (p. 92, text in all caps and bold in the report. See page 192 of the [1-24-18 Board Packet](#).)

Why does our District violate the 50% Law?

The District fell below the 50% goal in 2015-2016, and it was noted in the corresponding audit. According to the most recent audit report, in 2016-2017 "the District has chosen to not be in compliance with the 50 Percent Law" (see page 192 of the [1-24-18 Board Packet](#)). In other words, our District knowingly violates the law. Is this the kind of example that an educational institution should be giving to our students and our community?

At the Board of Trustees meeting of January 24, 2018, after a representative from the auditing firm gave

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Faculty concerned about questionable class cancellations

As our District is spending decreasing percentages of their growing budget on the salaries of classroom instructors each year, faculty have reported what appears to be increasing numbers of course cancellations due to what the administration deems to be "low enrollment." On February 1, members of the Skyline College Academic Senate expressed concerns about what they felt were inappropriate class cancellations that were made this semester. One Senate member stated that it appeared to be the most class cancellations in recent memory and that individual courses appeared to be targeted when previously there seemed to have been more consideration of "global load," i.e. the load of a whole department or division, to allow some smaller classes to be balanced by higher enrolled classes.

Of particular concern to several faculty members was that numerous classes that were cancelled were classes for newly developing programs, classes that consciously deal with equity issues, core classes to guided pathways and other classes that are required for students' progress. Faculty also wondered why administrators are being so quick to cancel classes that are important to student success when the District's budget is extremely healthy.

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AFT 1493 LEADERSHIP

**Get involved in AFT Local 1493:
 Run for office!**

In mid-April, AFT Local 1493 will be holding elections to determine the leadership of the Local for the next two years. Have you ever considered running for a Union position? In other words, have you ever considered taking an active role in the organization that represents the interests of all faculty in this District? Would you like to contribute to the process of making some positive changes for faculty in this District?

Representing faculty, from negotiations & grievances to committee meetings

Union office entails various different kinds of tasks and responsibilities, ranging from representing the AFT at the negotiating table to working as a grievance officer, as well as running meetings and doing organizing projects for the Local.

Some released time is provided for certain union positions. Executive Committee (EC) meetings are normally held on the second Wednesday of each month

at 2:15 p.m. at each of the different colleges on a rotating basis.

The Chapter Chairs at each of the three colleges bring the concerns of their members to the monthly EC meeting, and is a good place to begin your work in the Union.

Develop leadership skills

During a two-year term as a member of the EC, a faculty member would have a good chance to develop or improve their leadership skills. There are California Federation of Teachers (CFT) conferences as well as a range of workshops sponsored by the Community College Council from time to time. These are both excellent places to meet union activists from other Locals around the state and the country, and to develop new skills at the same time.

It takes many people to make our union work well. Please consider running for a union position, and let's all make our union stronger and our district a better place to work. □

The Advocate

The Advocate provides a forum for faculty to express their views, opinions and analyses on topics and issues related to faculty rights and working conditions, as well as education theory and practice, and the impact of contemporary political and social issues on higher education.

Some entries are written and submitted individually, while others are collaborative efforts. All faculty are encouraged to contribute.

The Advocate's editorial staff, along with the entire AFT 1493 Executive Committee, works to ensure that statements of fact are accurate. We recognize, respect, and support the right of faculty to freely and openly share their views without the threat of censorship.

AFT 1493 discourages full-timers from taking on excessive overload

The following resolution was passed at the December 6, 2017 AFT 1493 Executive Committee meeting:

Whereas economic instability affects the employment status and livelihoods of part-time faculty in the SMCCCD,

Be it resolved, that the AFT 1493 Executive Committee recommend that full-time faculty members **seriously consider refraining from taking on excessive overload in situations where part-time faculty will be displaced from courses to which they would have otherwise been assigned.**

“College for All” California ballot initiative begins signature gathering to qualify for November election

by Doniella Maher, Cañada College Executive Committee Rep.

One December 22, 2017, signature gathering began to qualify an initiative for the November ballot to make California Colleges free again. Early supporters of the initiative include the California Federation of Teachers (including your local, AFT 1493), the UC Student Workers Union, and a wide variety of community organizing groups. CFT has pledged \$50,000 to help get the measure on the ballot.

Earlier vision in California Master Plan

This is not the first time we have fought for free college education. 50 years ago, in the midst of national struggles for civil rights, social reformers in California sought to ensure access to higher education for all. In 1960, the



California Master Plan for Higher Education put forward a vision and a process to ensure that California postsecondary education would be available to all students who were “capable of benefiting from instruction”. Along with ensuring that students would be able to attend either the UC system, the California State system or the California community college system, the plan also banned tuition in an attempt to prevent cost from being a barrier to post-secondary education for California residents.

Huge increases in college fees have led to massive student debt

Fifty years later, cost has become one of the major reasons students cannot attend college. If they choose to go, they are saddled with debt that is difficult to repay for the large majority of students. While the schools still cannot collect tuition, they are allowed to collect fees for other costs, and over time, as public post-secondary institutions have faced decreasing funding from state and federal governments, those fees have increased exponentially.

College costs increase income inequality

The prohibitive cost of college, which has been a problem for many years, has finally been pushed to the forefront in college reform struggles over the last several years thanks to a larger general discussion about the increasing income gap. In fact, it shouldn’t be that surprising that two of the places first to implement some form of “free college” were New York state and San Francisco, places in which the disparity between those who have and those who have-not is most stark. New York’s measure promises

free tuition for families earning \$110,000 or less per year (and will increase to \$125,000 per year in 2019). San Francisco’s measure, while serving a smaller number of students since it is a city-wide measure and not a state one, offers free tuition to

ALL students.

College grants to be funded by an estate tax

The “College for All” Initiative will create a grant that will cover the undergraduate tuition for all Californians who attend a UC, CSU or California community college. In addition, it will also increase the maximum Cal-grant aid that provides support for living expenses while attending college. The initiative is based on the implementation of an estate tax. Currently, there is no estate tax in California. In fact, according to the bill, high-wealth estates have paid no estate tax since 2005. The estate tax proposed for funding the “College for All” initiative is a “high-value estate tax” on amounts over \$7 million (\$3.5 million for individuals). This is only the top 0.2% of Californians.

The “College for All” initiative, while in its initial stages, is an important first step toward making college affordable again for many Californians. Whatever happens in November, we can be sure that ensuring access to quality postsecondary education is a fight that we should be invested in. □

LABOR RIGHTS UNDER ATTACK IN THE TRUMP ERA

Janus vs. AFSCME: Union-Busting Coming to Supreme Court

Michelle Kern & Katharine Harer, AFT 1493 Organizers

This spring, the Supreme Court is expected to rule on a case called Janus vs. AFSCME [American Federation of State, County and Municipal Employees], an attack on public sector unions led by the right-wing National Right to Work Foundation and funded by billionaires and corporate CEOs. With Trump’s appointee, Neil Gorsuch, on the Court, their ruling will undoubtedly overturn a 40-year-old unanimous Supreme Court decision that approved the kind of cost-sharing arrangements known as “fair share”, which provide for the collection of “agency fees” from non-members of public sector unions. Unions will still be required to represent ALL employees in the workplace, but will only receive financial support from union MEMBERS with signed union membership forms on file. All unionized public sector workplaces will become “right to work” sites.

The results of the Janus decision could be devastating to unions, which currently rely on both dues and fees to pay the costs of the legal defense of workers, to staff and maintain union offices, and to carry out all the other activities necessary to represent, inform, negotiate contracts, and ensure contracts and workers’ rights aren’t being violated. Under current law, while every union-represented teacher, police officer, caregiver or other public service worker may choose whether or not to join the union, the union is required to negotiate on behalf of all workers whether they join or not. Since all the workers benefit from the union’s work, it’s only fair that everyone chip in toward the cost.

How does paying fair share violate free speech?

Here’s some background on the issue: The labor movement faced this moment back in 2016 with the Friedrichs vs.

California Teachers Association court case, which attacked the same piece of law—the right of unions to collect “agency fees” from non-members of the union. The death of Justice Antonin Scalia resulted in a vacancy on the Supreme Court and no ruling was made either way. The decision of the Ninth Circuit Federal Court, which ruled in favor of CTA, was upheld.

The plaintiffs in these union-busting cases all argue that paying agency fees to the union constitutes a violation of their free speech rights. But is this really true? Here is what our state chapter, the California Federation of Teachers, [has to say](#):

Under the current system, public employees can choose whether or not to join a union. First, work-

ers vote on whether or not to form a union in the workplace. After a workplace majority votes for a union, workers who don’t want to join the union don’t have to; they just pay a reduced fair share (agency) fee to cover the cost of bargaining and representation that the union is legally required to provide to everyone in the workplace.

However, full union dues go further, supporting political and legislative work because what can be won in collective bargaining can be taken away through politics and legislation. The Janus plaintiffs contend that their free speech is abridged by fair share fees, even though they are not paying for political advocacy. If you disagree with the outcome of a political election, you still pay taxes to the government. So, too, everyone needs to pay a fair share for the gains of union representation. When “free riders” pay nothing for the benefits all employees in a union workplace enjoy, others must shoulder that much heavier a burden and the union is weaker at bargaining time.

Our union, AFT 1493, has been able to actively fight for stronger contract language and regular salary increases as well as workplace protections and the ongoing defense of faculty

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members under attack because our union membership is robust, at just over 85%, AND because we collect monthly dues and fees from all SMCCCD faculty members. Our AFT union reps are on the ground, working with faculty to ensure our rights aren't being violated, and we maintain a full-service union office, an award-winning website and newsletter, *The Advocate*, and many other services for faculty.

Are you sure you are a union member?

Starting this month, we are contacting people who we currently have on file as "Agency Fee Payers" to ask them to sign up to be full members. During the week of February 5-8 we conducted a targeted campaign, with the help of organizers from the CFT, asking non-members to sign up to support their union. We've found that a number of faculty think they are full members, and want to be full members,

but don't have signed membership applications on file in the AFT office and are designated as "Fee Payers." Maybe they checked the wrong box when filling out the multitude of forms when they were hired. It happens. We've been working hard to get these faculty members signed up before the Janus case is decided. You can help by checking in with us and confirming that you are a full member of the union and that you have a signed form on file to safeguard your union membership and keep our union strong!

The Trump agenda embodies an anti-worker, anti-union agenda. Our entire state of California has been the focus of repeated attacks on our values by this administration. California also has one of the highest rates of unionization in the United States. In this moment, being a full union member is one of the best ways faculty can exert continued resistance to the Trump agenda and to attacks on education in the future.



Emily Rose (CFT staff member), Masao Suzuki (Skyline Economics professor), Katharine Harer (AFT 1493 Co-Vice President) and Eric Brenner (Advocate Editor) help sign up non-members at Skyline on Wednesday, February 7.



Dan Kaplan (AFT 1493 Executive Secretary), Michelle Kern (CSM Chapter Chair) and Seneca Scott (CFT staff member) work on the membership campaign on Thursday, February 8.



George Buckingham, Skyline History Professor, signed a new membership application on Wednesday, February 7, after the union found that there wasn't a membership form on file for him. He had long considered himself a union member and was happy to make it "official."

COMMITTEE REPORTS

District Workload Committee to distribute new survey on non-teaching workload

by Anne Stafford, AFT Rep. to District Workload Committee

Faculty may recall being asked by their Deans at the beginning of the fall (2017) semester for information about the number of hours you devote – on average – to work not directly related to your teaching. That information is needed to assist the Workload Committee in determining the total non-teaching workload of full-time faculty and to ultimately make a recommendation to the District and AFT 1493 negotiating teams about what constitutes a reasonable workload, how to compensate faculty for work above and beyond what is determined to be reasonable, and how to distribute the work more equitably.

The Committee appreciates the time you put into providing your information. Unfortunately, because the requests for information were not consistent across divisions, we are requesting the information a second time, this time using a new tool. The Committee is currently working hard to get the survey right and plans to distribute it by March.

By no means is the irony of having to spend time serving on a workload committee, or taking time to fill out a detailed survey about workload, lost on anybody, but without complete and accurate information we cannot make good recommendations.

Feel free to contact any of your faculty representatives on the committee if you have questions:

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Benefits Committee continues to explore alternative health insurance brokers to CalPERS

by Monica Malamud, AFT 1493 President

As reported in the December 2017 Advocate, the Benefits Committee, composed of representatives from the three unions in the district, Human Resources and retirees, met for the first time in November 2017. Scheduling meetings proved quite challenging, so at the December 19 meeting, after finals week, committee members decided that a regular meeting schedule would work best.

Chancellor Ron Galatolo was present during part of the December 2017 committee meeting, and he stressed that the objectives of exploring alternatives to CalPERS were to give employees more flexibility in health plan design and to save money, with the money saved on benefits going back to each unit.

At the January 18, 2018 meeting, representatives from Alliant were invited to describe their services and possible options for SMCCCD. Alliant is both a broker and a consultant which serves over 1000 public entity clients in California, such as cities, counties and school districts.

The Benefits Committee meets at the District Office on the third Thursday of the month, from 1:30 to 3 p.m. □

AFT 1493 Executive Committee holds spring retreat

by Monica Malamud, AFT 1493 President

The AFT 1493 Executive Committee held a retreat in the afternoon of Friday, January 19, at Cañada Vista.

During our retreat, we discussed plans for our ongoing organizing efforts, focusing on the membership drive scheduled for Monday, February 5th through Thursday, February 8th on our three campuses, with support from CFT staff. (See more on page 5.)

Another topic on our agenda was the College For All proposed ballot measure, which aims to make college free once again in California, and includes an expansion of the Cal Grants. We are excited to begin work on this campaign, which will require gathering enough signatures of registered voters to be placed on the ballot for November 2018. The EC voted to endorse the College For All Act and we also decided that we should inform students on our campuses about this campaign. I already gave an introduction to the College For All measure at the Associated Students of Cañada College meeting on February 1st. (See more on page 3.)

Finally, we all shared the status of ongoing and new complaints and grievances in our District.

Our retreat was very well attended and it provided EC members an excellent opportunity to hear updates and gear up for a productive spring semester. □

CFT opposes Gov. Brown's proposal for online-only community college

Responding to Gov. Jerry Brown's request for the development of options for a fully online college, the California Community Colleges Chancellor's Office on November 13 announced three options and belatedly asked for comment from stakeholder groups.

Option 1 would use an existing campus to create a statewide delivery system with campus faculty and instructional designers creating content. College employer partnerships would be used and new ones developed statewide.

Option 2 would use an existing district to host a consortium of colleges that opt-in, with faculty coming from the participating colleges. The host district would employ or contract with instructional designers as well as develop employer relationships.

Option 3 would create a new community college district that would operate under the Chancellor's Office. Selected faculty would work with the new district's instructional designers, and customize student services.

What follows is the response from the CFT Community College Council.

Open letter: CFT rejection of fully online college proposal

November 22, 2017

To: Governor Jerry Brown
Community College Chancellor Eloy Oakley
Board of Governors of the California Community Colleges

We are writing in response to your request for feedback regarding your proposed options for a fully online college. We soundly reject all three options and this new initiative in general for the reasons stated below.

The underlying assumption for the proposal — that California needs a new, fully online college — is flawed. We see this initiative as duplicative of what the community college system already provides to our community college students. Through the State Chancellor's Office Online Education Initiative, students from anywhere in California can currently take classes at any California community college. This current program is already 100 percent online, including counseling and tutorial services.

The new initiative will hurt students. The students this initiative is purported to help are typically the demographic of students who perform worst in online courses. Funding a "new" initiative based on helping a student demographic which is least likely to succeed makes no sense from either a pedagogical or policy viewpoint, and runs

counter to the important student equity work currently underway.

In addition, it appears this initiative is going in the direction of "correspondence courses" from decades ago: Use formulaic lesson plans created by private instructional designers and then "test" the students as they progress to grant access to the next module. Teaching, not testing, must remain the central mission of our community college system.

It also appears that this new "online college" would fall outside of accreditation, and perhaps even outside of current collective bargaining statutes. What credibility would such a college, degree or certificate have? Again, it seems as though this proposal is more of a mechanism to enrich private investors, or at best wishful thinking that quality education can be done online on the cheap, rather than about actually meaningfully educating our students.

The process that led to this problematic proposal lacked stakeholder participation and transparency. The workgroup formed to develop the options for carrying out this proposal lacked representation from a broad cross section of stakeholders. All participants were handpicked by the chancellor rather than selected by the various stakeholder organizations as has been customary. Furthermore, based on our discussions with some members of this workgroup, we understand that the workgroup's recommendations were not even brought forward, but were replaced by the recommendations of the out-of-state consultants who are driving this project.

For the above reasons, we soundly reject the governor's proposal for a fully online college. It is noteworthy that both the UC and CSU systems have also independently reached this same conclusion.

If the governor is truly interested in increasing the success rate of our community college students, then he should include additional funding in his next budget for community colleges earmarked to allow the system to hire more full-time faculty and classified staff, as there is ample documented evidence that doing so would increase both the retention and success rates of our students.

Sincerely,

Jim Mahler, President

Community College Council of the
California Federation of Teachers

District violates 50% law again, decreasing % of budget spent on classroom instruction

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a summary of the audit findings, highlighting the violation of the 50% Law, Board President Richard Holober asked if there were any questions or comments. Since there were none, Board President Holober himself asked: "What is the gap that would exist to be in compliance with the 50% Law?" The representative responded that the answer was on pages 78-79 of the audit report, and referred to those pages for his response. In 2016-2017 the total expenses of our District were \$134,541,331. So 50% of CEE would be \$67,270,666. However, the District spent only \$61,397,825 on the salaries of classroom instructors, or only 45.63% of the CEE budget. The Board of Trustees proceeded to vote to accept the audit report without further discussion.

How to comply with the 50% Law

The audit report gives the following recommendation: "The District should come into compliance with the 50 Percent Law by expending a higher amount of the District's CEE for salaries of classroom instructors, or by reducing non-instructional costs."

Sound familiar? In the March/April 2017 issue of The Advocate, Dan Kaplan wrote: "The intent of the 50% law is to assure that the District does not spend excessively on administrative costs, and focus on paying fair wages to classroom instructors. To meet the 50% standard, our District could increase the percentage of their budget spent on faculty salaries by paying more adequate faculty salaries and/or hiring additional instructors, which could help alleviate workload issues our faculty face."

District has budget to adequately fund classroom instruction, but does not make it a priority

Could it be perhaps that it's difficult for the District to find the money it takes to bring us into compliance? Absolutely not. Our District's income actually exceeds what we would receive if we relied on state apportionment, thanks to our status as a community-supported District, which started in 2011-2012. Since 2011-2012 our District's revenues have continued to increase year after year. For 2017-2018, the amount over our District's revenue limit is expected to be around \$46 million. In other words, our District is wealthy, and its income stream is stable and predictable, as our District revenue is determined mostly by property taxes.

By law, in 2016-2017, the District should have spent close to an additional \$6 million in salaries of classroom instructors. AFT 1493 negotiators, representing all faculty, advocated for more significant improvements in salaries and benefits than what we ultimately received in the 2017 contract settlement. When we went to fact finding, the fact finder did not find that the District lacked the ability to pay. So it all comes down to choices: The District has more money due to its very healthy income stream, but the District chooses to not spend more money in the classroom, and to violate the law. □

CHANCELLOR'S VIEW ON 50% LAW

50% Law is 100% Outdated

By Ron Galatolo, Chancellor

We invited Chancellor Galatolo to explain the District's position on the 50% law. His statement is below. -Ed.

The State's 50 percent law is antiquated and, more significantly, disadvantages students. Developed in 1958, and applied to the former K-14 system (i.e., elementary, secondary and junior colleges), the law presently mandates that districts spend at least 50 percent of their unrestricted funding on direct classroom instruction. Now, 70 years later, this arcane vestige of the former K-14 system does not currently account for the broad range of essential support services needed by and delivered to community college students that go well beyond classroom instruction. These mission critical support systems include academic counseling, learning centers, financial aid, mental health services, career guidance, instructional technology, tutoring, and other vital campus functions such as the bookstore, food services, and transportation. These significant "non-academic" functions, many that don't reside in the K-12 system, enrich students' educational experience and reinforce the quality teaching and learning that occurs by talented faculty in the classroom.

This arbitrary delineation of expenses has outlived its usefulness in a contemporary, post-secondary learning environment and does not support our District's core value of promoting social justice, nor does it advance our mission of equitably providing a world-class education for students. This law, designed specifically for the K-12 environment, is fully incompatible in a present-day community college setting, as it perpetuates an arbitrary and stagnant formula that has lingered since the days of Dwight Eisenhower.

Our system as a whole, and our District in particular, has become much more diverse, complex and sophisticated over the last 70 years. In addition to providing significant funding for classroom instruction, we must also allocate our resources where they ensure the maximum success of our students. We continue to accomplish those objectives by investing in worthy initiatives such as our Promise Programs, Guided Pathways, SparkPoint Centers and closely linked wrap-around support services that provide a safety net for our most vulnerable, marginalized students.

The caption in our Strategic Plan, "Students First," is not a platitude for our District; it's the foundation of who we are and what we fundamentally believe. We don't choose students 50 percent of the time, we always choose students 100 percent of the time. □