

Faculty ratify new contract language

In voting that took place on all three campuses on October 1 and 2, District faculty approved the new contract language that the AFT negotiating team achieved in negotiations with the District team over the summer and early Fall semester.

The negotiations focused on three non-economic "re-opener" items: the grievance procedure, part-time seniority, and distance education. In the first two of these areas, the Union was able to make significant improvements in the previous contract language. In the area of distance education, AFT was able to finally establish language concerning this subject in the contract for the first time.

The full text of the new language that came out of this round of negotiations can be read on the AFT website (www.aft1493.org).

94% of the faculty who voted approved the new AFT contract.

The Board of Trustees is expected to approve the agreement at its next regularly scheduled meeting.

Faculty support adding flex days to 2009-10 calendar

by Elizabeth Terzakis, AFT 1493 Cañada College Executive Committee Rep.

On October 2, the AFT Executive Committee (EC) distributed an electronic survey to determine whether or not District faculty support the idea of adding four additional flex days to the 2009-2010 academic calendar. The additional flex time would replace instructional days and is intended to give faculty more time to "work on program review, SLO assessment, accreditation, and other tasks that demand participation and collaboration from department members." This proposal was

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CFT calls on ACCJC to amend accreditation mandate linking SLOs to faculty evaluation

Union letter says accreditation requirements "intrude on negotiable evaluation criteria and violate principles of academic freedom"

Ed. Note: In an October 13 letter to the Accrediting Commission for the California Junior Colleges (ACCJC), California Federation Of Teachers (CFT) President Marty Hittelman called on the accrediting agency to amend its standards that "intrude on negotiable evaluation criteria and violate principles of academic freedom." The key standard that is being challenged is Standard III.A.1.c, which mandates that student learning outcomes be a component of faculty evaluation. The full letter is reprinted below. As The Advocate goes to press, the CFT has not yet received a response from the ACCJC.

President Barbara Beno, ACCJC
Ms. Lurlean Gaines, Chair, and Commissioners of the ACCJC
10 Commercial Boulevard, Suite 204
Novato, CA 94949

Re: Amendment of ACCJC Standards III.A.1.c. and II.A.6.

Dear President Beno, Chair Gaines, and Commissioners of the ACCJC:

I write this letter as President of the California Federation of Teachers, AFT / AFL-CIO. As you are well aware, the Accrediting Commission for the California Junior Colleges (ACCJC) serves an important function by virtue of California law. In particular, the State has dictated that,

"Each community college within a district shall be an accredited institution. The Accrediting Commission for California Junior Colleges shall determine accreditation." (5 Cal. Code Regs. § 51016)

In conferring this important responsibility on the ACCJC, the State of California and the Board of Governors of the California Community Colleges expect that the ACCJC will fulfill an important state objective, providing education through accredited public community colleges. ACCJC may or may not be a quasi-governmental entity, but either way it must respect State laws when fulfilling its functions.

Of particular importance to the California Federation of Teachers, and its constituent locals, is the Educational Employment Relations Act,

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PRESIDENT'S LETTER

What's your union up to? Negotiating on the contract and the academic calendar, challenging WASC on SLOs, and much more

by Monica Malamud, AFT 1493 President

As reported on page 1, we are pleased to announce that the three non-economic contract re-openers were approved by



94% of the faculty who cast a vote on October 1 and October 2. In my opinion, given the desire expressed by the District administra-

tion to increase the number and variety of online courses, it was critical that we start to negotiate contract language for distance education and, although there is room for improvement, the new language that was achieved is a great first step in defining priorities and protecting faculty rights for faculty teaching online. The opening sentences state: "Expanding student access, program need and faculty desire and preparation to teach a distance education course shall be the primary determining factors when the College decides to offer a course through distance education. There will be no reduction in force of faculty as a result of the College's participation in distance education. The parties agree that the use of such technology shall not be used to reduce, eliminate or consolidate faculty positions within the District." In other words, faculty cannot be forced to teach online and their jobs are protected. This new section of the contract also deals with training, copy-rights, and compensation.

Online instructors log their views

Soon after the re-openers were approved, faculty members who teach online started a conversation (online, of course!) about their thoughts on the new distance education language. Eric Brenner compiled their opinions, and you can read about this on page 4.

As impressive as the 94% "yes" vote was, I am very interested in hearing from those who were not satisfied by the outcome of our negotiations. Perhaps some of you expected more; perhaps you were hoping the union would negotiate on other matters. But first let me remind you that the full contract was not open for negotiation: we were limited to three non-economic issues. Secondly, any given issue can be revisited, so that improvements are made in incremental steps over time. Finally, remember that there are two sides to every item being negotiated! It takes patience, ingenuity and creativity to arrive at a good outcome. Our negotiations team possesses these qualities and strives to represent the interests of faculty throughout the District. The team is composed of both full-time and part-time faculty members and they come from all three campuses.

Full contract negotiations begin next semester

Next semester, we will start full contract negotiations, and we will be polling faculty to help the union identify priorities. However, faculty input is one of several factors that guide negotiations. The union also considers what areas of the contract need strengthening, and consults with the union attorney, who is familiar with contracts in other districts. For example, AFT 1493 has had a number of complaints and grievances related to part-timer seniority. For this reason, strengthening contract language on part-time employment was one of the priorities in our recent negotiations.

In addition to negotiating the contract, every year the union negotiates the academic calendar. This year, in response to the request to add more flex days, we conducted a poll among faculty. Three quarters of the faculty who

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Faculty support adding flex days to 2009-10 calendar

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faculty driven; that is, faculty near to cracking from the strain of trying to deal with all the additional tasks being dumped on us asked the Union to do something about it.

Of the 116 faculty members who participated in the survey, 77 percent were in favor of the additional flex days, and 75 percent approved of the specific days proposed (Wednesday, November 11 and Thursday, November 12, 2009; and Wednesday, March 10 and Thursday, March 11, 2010). So, although we would have liked to have heard from a larger number of faculty, a clear majority of those who responded favor both parts of the proposal.

But many of the dissenting minority expressed reservations that are

shared by members of the EC. Replacing instructional days with flex days takes us out of the classroom, which is where we want to be and feel we should be. It deprives our students of the contact hours that are so important to their success. And it accedes to the idea that time spent accomplishing administrative work is as important as the time we spend teaching—an idea that many in the EC find problematic at best.

Other solutions were also suggested, such as release time—either for faculty coordinators or faculty in general—for doing the additional work, changing the contract to reflect the additional work and perhaps reducing course load, and changing the contract to impose strictly defined limits on the

number of hours we can be required to do administrative work.

Unfortunately, these solutions cannot be acted upon immediately, although we believe they should be taken into consideration in the next round of negotiations, as many of us feel they are preferable to the current solution of more flex days. However, given the high percentage of positive responses, and given the fact that this is something that we can make happen in the short-term to improve working conditions, the EC has decided to go ahead and submit this proposal to the District.

We want to make clear, however, that we consider this a temporary and imperfect solution to the problem and will be working on better, more long-term solutions for the next contract. □

President's letter

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participated in the poll supported the addition of extra flex days. But both those in favor and those who were against the proposal expressed mixed feelings about this change. Please read Elizabeth Terzakis' article on page 1 for more on this topic.

CFTers discuss SLOs and accreditation standards

On Friday, October 10, several members of the Executive Committee attended the Community College Council (CCC) meeting of the CFT in Oakland. Among other things, we heard a report on the state budget and how community colleges are affected and can expect to be affected in the future.

There was also a discussion on the topic of SLOs as they relate to accreditation requirements. Can WASC mandate that SLOs be created for all classes taught? For a while, there was a federal mandate, and presumably all accrediting bodies (not just WASC)

relied on that to force institutions to create SLOs. Now WASC is demanding that SLO's be linked to faculty evaluations.

With the passage of the 2008 Higher Education Reauthorization Act, however, there is no longer a federal mandate. California state law does not have any requirement on this issue. Neither does the California Education Code. So, at this point, the requirement to create SLOs and link them to faculty evaluations stems only from WASC. But under the Rodda Act (also known as the Educational Employment Relations Act, which governs collective bargaining in California public education,) evaluation is a negotiable item.

In response to this conflict between accreditation standards and state law, CFT President Marty Hittelman has written a letter to WASC leaders calling on the accrediting body "to amend its standards" related to SLOs and other negotiable areas and "to respect the boundaries established by the Legislature." This letter is reprinted beginning on page 1 of this issue.

What else are we working on?

What else is your union working on? Here's a sample:

- Large classes: How is class size determined? What factors need to be considered? Should individual instructors allow more students in their classes? How large is a "large" class? How should compensation be adjusted for large classes?
- Intellectual property and royalties: The District is in the process of revising Rules and Regulations on this matter and any changes to current practice need to be negotiated;
- Trust committee: This committee will soon start reviewing and revising the faculty evaluation procedures. What's working and what's not with the current procedures and forms? How does the process differ for classroom faculty versus non-instructional faculty? What constitutes a "class observation" in an online course?

"Your" union is working on these issues because they're important to all of us, and that includes YOU. We don't just welcome your opinion, we need it so that we can best represent all faculty interests. □

District online instructors discuss contract issues and their concerns about teaching online courses

by Eric Brenner, Advocate Editor

AFT 1493 recently negotiated, and the faculty approved, new contract language on distance education. This is the first time we have had any contract language specifically dealing with distance education. The new section of the contract covers training, copyrights, compensation, class assignments, "virtual" office hours and other issues. To get reactions to the new language from faculty who teach online, I initiated an online discussion among District online instructors.

In response to my inquiry, which was sent to all instructors currently teaching online, about 15 faculty members discussed online teaching issues over a period of 4 days. The majority of the comments focused on issues that were not covered in the new contract—particularly: class size and workload issues for online teaching and also the evaluation of online courses.

Greatest concerns focused on work load

Currently, since there is no contract language specifically addressing class size for online classes, the class size caps should be the same for an online class as for the equivalent face-to-face (classroom) class. In our discussion, the greatest concerns for most of those participating was about workload, both in terms of the numbers of students in their classes and especially about the amount of time required per student.

One instructor summed up what others had expressed: "As has been said over and over here, the online class demands much more work, is much more labor-intensive, on my end... to compensate for no in-class meetings, students do much writing – all of which I read, comment upon, evaluate, manage, send back to them, etc." This faculty member, like many of those in the discussion, felt that to make the work of teaching an online class on par with that of a traditional class in the same subject, the online class needs to have fewer students.

Another online instructor described her workload: "Online is most definitely a great deal more work than a traditional class regardless of how you set it. There is an extra ordinary amount of work that gets generated by e-mail and questions from students in need of explaining every task in a slightly different detail than anyone else..." Yet another teacher called for limiting online class sizes: "We need a defined limit that the District supports; though I admit there may be variability depending on the type of course, those numbers/variables should correspond to their in-person counter-parts. I also feel a lot of pressure to add more. Since online classes are more work per student due to emailing, grading, etc., the extra load is very unfair to teacher and student."

While class size and workload issues dominated the discussion, other issues were also raised. Several commentators were concerned about the process for evaluation of

online classes, including "how to do the 'classroom visit' or 'student evals' for online teacher evaluations." Monica Malamud, AFT 1493 President, who also participated in the online discussion, explained that a new Trust Committee will start working on the issue of faculty evaluations (including those for online courses) probably by next semester. "This committee will have faculty representation from the three colleges, both from the union and from the senate, as well as representation from adjuncts at least when dealing with adjunct evaluations. There will be administrators on this committee too..."

There was also some concern expressed about retaining our intellectual property rights, such as one instructor who said: "I have had some colleagues hint they would be willing to 'plug and play' my online class. I'm not sure I really want that to happen because I don't think you can do a good job teaching with someone else's material."

Faculty would like more data from District

One other theme that ran as an undercurrent through much of the discussion was the feeling that the District needs to do more to understand the unique issues faced by online instructors and to help improve the conditions for teaching and learning online. Several faculty members said they'd like to get more information and data that could help them improve online instruction. One teacher commented: "We really need to know, beyond anecdotes, how our on-line courses work (and don't work) for students... We don't really know who takes these classes or why they drop; whether the courses achieve the SLOs; whether they are costing more money than they're worth; whether administrative procedures (deadlines for registration and course completion) are a help or hindrance..."

The AFT hopes to transform this initial discussion into an ongoing forum for any interested online faculty in the District to share issues of concern. We will announce details very soon.

Other comments from online instructors:

- "Perhaps the initial rationale behind keeping caps the same focuses too much on the STUDENT workload being equal. Yes, we want that to be equal, so online classes are no free ride. But what clearly needs re-visiting (or rather first visiting) is workload on the instructor end – which, in my experience, and in what I'm hearing, means lower caps..."
- "I also feel a lot of pressure to add more. Since online classes are more work per student due to emailing, grading, etc., the extra load is very unfair to teacher and student."
- "Online is a great deal more work no matter how you set up the class. Students send in e-mails by the truckload..." ■

Compressed calendar task force moves forward

Patty Dilko, District Academic Senate President

In late spring 2007 a group of faculty at Cañada College began discussions about the possibility of migrating to a compressed calendar. While the District had engaged in an extensive investigation 7 years prior, with the results being inconclusive, these faculty members felt that there had been significant changes in the landscape at the three colleges and a renewed discussion was merited.

After a preliminary examination of Cañada's schedule, the group asked the Cañada Senate GC to bring the conversation forward to the District Senate GC. At that time all three GCs agreed that it was a good idea and asked that I request that some specific schedule modeling be done by the District Office. At the same time, the Cañada faculty requested that AFT conduct a survey to assess interest in the project. The results of the survey are in the box below, and confirm Cañada's thoughts that in fact a broader section of faculty thought that it could be time for another look into the opportunities and challenges of a compressed calendar.

AFT 1493 Faculty Survey - May 2007

Are you in favor of adopting a compressed calendar in the SMCCCD?

YES	NO	UNDECIDED
66 (61%)	30 (28%)	13 (12%)

In 2008, a special presentation was made to the Board of Trustees which asked the Colleges and District to examine the potential for a District-wide compressed calendar, including review of prior research and investigation of both opportunities and logistical requirements as identified by colleges which currently utilize the compressed calendar.

Time for a broad-based discussion

During early fall of 2008 District staff and college reps compiled mock schedules for high impact programs and the science courses/labs at all three colleges. It is now time to launch a broad-based discussion. An alternative calendar, also called compressed calendar, means the students have more contact with instructors per day, for fewer days or weeks, with no loss of instructional time over the course of a primary term. The most popular form is a 16-5-16-5-5 arrangement (Sometimes educators customarily call it 15-5-15-5-5, not including the last week of finals) with a 5-week intersession and two 5-week summer sessions. There appear to be several

benefits to adopting a shorter academic semester: more time for continuity of thought and classroom discussion, more time for professional development, post-Labor Day semester start time, less travel for students, increase in enrollment and better retention. However, a compressed calendar may not be for every discipline or student. As with any system-wide change, there are many practical challenges and concerns. Title 5 regulations (55702) require that districts obtain explicit approval from the System Office, documentation of educational implications, compliance with the 175-Day Rule, and consistency in the delivery of quality education, among others.

District Senate Governing Council along with Vice Chancellor Luan's Office have prepared a draft "Process for Studying the Feasibility of Alternative Calendar at SMC-CCD" which includes some of the language above and a timeline for consideration.

Timeline:

Compressed calendar typically takes a minimum of 2 years to progress from inception to final state approval and implementation. Tentatively, the following sequence of events will define the timelines:

September 2008 - Establish Steering Committee and campus-based workgroups

October 2008 to November 2008 - Committee and workgroups meet to discuss scope, division of labor, and develop goals and work plans

November 2008 to March 2009 - Gather data and develop initial recommendations

March 2009 to June 2009 - Steering Committee develops recommendations to the Board of Trustees

August 2009 - Steering Committee and workgroups reconvene to review and finalize recommendations to the Board of Trustees

September 2009 - Steering Committee makes recommendations to the Board of Trustees

Our goal is that there will be comprehensive, collegial conversations at the college level, and that these discussions will be brought forward to the Task Force for synthesis and the development of a wise recommendation to the Trustees. The date of the first Task Force meeting is October 30 from 3 - 4:30 at the District Office. Representatives have already been appointed by each Senate. If you would like to participate, please contact Ray Hernandez, Skyline College; Diana Bennett, CSM; or Martin Partlan, Cañada. Thanks for your continued interest in this complicated topic. □

CFT calls on ACCJC to amend accreditation mandate

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California Government Code section 3540 et seq. The Act, as you know, provides a framework for collective bargaining for employees in the California Community Colleges.

One of the most important rights faculty have is to negotiate with their employer over evaluation procedures, criteria and standards. In fact, this right is so important that the Legislature deemed it worthy of explicit enumeration within the Act. In addition, pursuant to the EERA, academic freedom policies are negotiated at community colleges.

In recent years, considerable controversy has existed within the community colleges over the issue of Student Learning Outcomes or SLOs. It is an understatement to say that many within the college community, faculty and administrators alike, feel the ACCJC has gone too far in its demands regarding SLOs, especially when they intrude on negotiable evaluation criteria and violate principles of academic freedom.

Not long ago, the CFT invited comment from its faculty unions about SLOs, and their impact on their local colleges. Of particular concern to CFT is the propensity with which accreditation teams from the ACCJC have indicated to the colleges that they should "develop and implement policies and procedures to incorporate student learning outcomes into evaluation of those with direct responsibility for student learning." This directive is based on ACCJC Accreditation Standard III.A.1.c., which states,

"Faculty and others directly responsible for student programs toward achieving stated student learning outcomes have, as a component of their evaluation, effectiveness in producing those student learning outcomes." (ACCJC Accreditation Standard III.A.1.c.)

Another standard has been used by accreditation teams to justify changes in faculty work such as syllabi. This standard, which has interfered in faculty's academic freedom rights, states:

"The institution assures that students and prospective students receive clear and accurate information ... In every class section students receive a course syllabus that specifies learning objectives consistent with those in the institution's officially approved course outline." (ACCJC Accreditation Standard II.A.6.)

We believe both of these standards, as written and as applied, intrude on matters left to collective bargaining by

the Legislature. For a time, we recognized that the ACCJC's inclusion of these standards might have been considered to be mandated by the regulations and approach of the U.S. Department of Education.

Now, however, with the recently re-enacted Higher Education Act, the Federal mandate for the SLO component has been eliminated for community colleges and other institutions of higher education. I'm sure you are aware that Congress passed, and the President signed, legislation amending 20 U.S.C. 1099 (b), to provide that the Secretary of Education may not "establish any criteria that specifies, defines, or prescribes the standards that accrediting agencies or associations shall use to assess any institution's success with respect to student achievement." [See Higher Education Act, S. 1642 (110th Congress, 1st Session, at p. 380)]

Given this amendment, it is CFT's position that the ACCJC has no statutory mandate which prescribes inclusion of the above-referenced standards dealing with faculty evaluations, and syllabi.

Under the EERA, absent mandatory proscriptions in the law, each and every aspect of evaluation is negotiable. See, e.g., Walnut Valley Unified School District (1983) PERB Dec. No. 289, 7 PERC ¶ 14084, pp. 321-322; Holtville Unified School District (1982) PERB Dec. No. 250, 6 PERC ¶ 13235, p. 906. The Legislature reaffirmed the negotiability of evaluation procedures and criteria when it adopted A.B. 1725 in 1989. (See Cal. Ed. Code § 87610.1, 877663(f)). The Legislature did specify that community college evaluations procedures must include a peer

review process and, to the extent practicable, student evaluations. (See Cal. Ed. Code § 87663(g)). However, it did not mandate SLOs.

Accordingly, the CFT wishes to inquire as to what actions ACCJC intends to take to conform its regulations to the requirements of State law, and to recognize that the adoption of any local provisions which include faculty effectiveness in producing student learning outcomes, should be entirely a matter of collective bargaining negotiations. And, similarly, that the ACCJC cannot mandate inclusion of information in syllabi which faculty, by reason of academic freedom and tradition, are entitled to determine using their own best academic judgment, or through the negotiations process. Of course, in negotiations over evaluation, the law also provides



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RETIREES

Come to the DART (District Association Of Retired Teachers) Holiday Get-Together on December 12

DART, the District Association Of Retired Teachers, will be hosting an afternoon of conversation and convivial company, with an invited speaker discussing issues of health insurance for retired folks:

in the CSM Clubhouse, beginning at 3:00pm on Friday afternoon, December 12th.

Good food and drink befitting a union-endorsed activity will be provided.

All retired (and soon to be retired) teachers in the San Mateo Community College District are both invited and encouraged to attend!

Look for more information in your home mailbox soon.

Or contact the AFT office (574-6491) for more information about this event or the DART Chapter.

CFT letter

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that faculty organizations shall consult with local academic senates before negotiating over these matters.

While ACCJC is free to encourage colleges and their faculty organizations to negotiate over this topic, it is not free to mandate or coerce the adoption of such standards by sanctioning colleges which do not adopt standards that ACCJC would prefer in these areas. Given its state function, ACCJC must respect the negotiations process mandated by state law, and academic freedom rights adopted by contract or policy.

California's public community colleges are an extraordinary public resource, and the Legislature has seen fit to decree that when it comes to faculty evaluation, that process shall be subject to collective bargaining. With the adoption of the landmark bill A.B. 1725 almost 20 years ago, the Legislature came down squarely on the side of faculty determining, with their employers, the method and content of their evaluations. This system has worked exceptionally well for almost 35 years.

Given the change in Federal law, the CFT calls upon ACCJC to take prompt and appropriate action to amend its standards to respect the boundaries established by the Legislature and not purport to regulate the methods by which faculty are evaluated or determine their course work such as syllabi.

I look forward to your response.

Sincerely,

Marty Hittelman, President
California Federation of Teachers

AFT 1493 Executive Committee / General Membership Meetings

**Wednesday, November 12, 2:15 p.m.
– Skyline, Room 6205**

**Wednesday, December 10, 2:15 p.m.
– CSM, Building 12, Room 170**

CFT calendars and posters still available

If you haven't received your new 2008-2009 CFT pocket calendar and are finding that you simply can't function without one, then please contact the AFT office at 574-6491 or send an email to Dan Kaplan (Kaplan@smccd.edu). Or get in touch with your AFT Chapter Chair on your campus and ask for one now!

Also, AFT still has a small number of AFT Local 1493 posters left. Contact the AFT office if you would like to have an AFT poster of your very own to proudly display!

CFT recommendations for the California ballot

YES 1A Bonds for high-speed rail

Bonds to build a reliable high-speed passenger rail connecting San Francisco, the Central Valley, and L.A.

NO POSITION 2 Treatment of farm animals

Supporters want chickens to be able to spread their wings; opponents say the costly measure means the California egg industry might fly the coop.

YES 3 Bonds for children's hospitals

Expands medical care to children with serious illnesses by providing bonds to build and remodel children's hospitals.

NO 4 Legislates family relations

Constitutionally legislates family relations by requiring parental notice before a teen terminates pregnancy.

YES 5 Alternatives to incarceration

Saves the state millions by creating individualized rehabilitation programs for non-violent drug offenders.

NO 6 Increases teen incarceration

Poorly drafted and costly measure to lock up more people and prosecute more 14-year-olds as adults.

NO POSITION 7 Renewable energy

Claims to promote renewable energy, but experts say it will drive small alternative producers out of the market.

NO 8 Right to marry

Eliminates the right to marry currently enjoyed by all Californians.

NO 9 Limits due process

Needlessly puts existing victims' rights into the state constitution and limits prisoners' rights to speedy hearings.

NO 10 Greenwash

Energy scam by financier T. Boone Pickens that would provide \$5 billion in public bonds to benefit him and other private natural gas producers.

NO 11 Undemocratic redistricting

Creates a new bureaucracy to draw district lines for state legislative offices that will disadvantage the majority party.

YES 12 Helps veterans buy homes

\$900 million bond measure to help veterans buy homes.

Key propositions on the California ballot...

Don't legislate family relations

NO on 4

Everyone wants parents and teenagers to have good communication, but trying to legislate that won't help teens facing bad family situations and hard choices. Prop. 4 would endanger pregnant teenagers by requiring doctors to notify their parents 48 hours in advance of terminating a pregnancy. Voters already rejected two ballot measures just like this one in 2005 and 2006.

Don't lock up more teens

NO on 6

Crafted by conservative Senator George Runner, Prop. 6 is a misguided measure that would dramatically ramp up prison and criminal justice funding, and prosecute more 14-year-olds as adults. The measure's unfunded cost of \$500 million per year would come from the state general fund. With the state facing a massive budget deficit, this is not the time for additional mandates, especially unproven ones.

Don't deny right to marry

NO on 8

Prop. 8 would overturn current law and rewrite the California Constitution to allow discrimination against individuals seeking to marry someone of the same sex. The state Constitution should guarantee the same freedoms and rights to everyone — no one group should be singled out to be treated differently. Only marriage provides the certainty and the security that people know they can count on in their times of greatest need.