

Date of Hearing: January 9, 2018

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 809 (Quirk-Silva) – As Amended March 23, 2017

**SUBJECT:** Veterans: public postsecondary education: veterans' priority registration for enrollment

**SUMMARY:** Requires that the priority registration for enrollment for members and former members of the Armed Forces of the United States and for members and former members of the State Military Reserve be applied. Specifically, **this bill:**

- 1) Requires that the priority registration for enrollment for members and former members of the Armed Forces of the United States and for members and former members of the State Military Reserve currently required by existing law be applied notwithstanding any other law.
- 2) Provides that these provisions not be construed to interfere with, conflict with, or in any way diminish the priority registration for enrollment granted, pursuant to the provision of the existing law described in (1) above, to an eligible member or former member of the Armed Forces of the United States or to an eligible member or former member of the State Military Reserve.

**EXISTING LAW:**

- 1) Sets forth the missions and functions of the public institutions of higher education in the state, which includes the California Community Colleges (CCC), the California State University (CSU), and the University of California (UC) (Education Code (EC) Section 66000, et seq.).
- 2) Requires the California State University and each community college district, and requests the University of California, to grant, with respect to each campus in their respective segments that administers a priority enrollment system, priority registration for enrollment to a member or former member of the Armed Forces of the United States who is a resident of California and who has received an honorable discharge, a general discharge, or an other than honorable discharge, and to any member or former member of the State Military Reserve who has not received a specified discharge, for any academic term attended at one of these institutions within 15 years of leaving state or federal active duty (EC Section 66025.8.).
- 3) Requires this priority registration for enrollment to apply to enrollment for all degree and certificate programs offered by the institution after the military or veteran status of the student has been verified by the institution he or she attends (EC Section 66025.8.).
- 4) Requires the California State University and each community college district, and requests the University of California, to grant, with respect to each campus in their respective segments that administers a priority enrollment system, priority registration for enrollment to a foster youth or former foster youth, as defined, or, until January 1, 2020, to a homeless youth, as defined (EC Section 66025.9.).

- 5) Requires each community college district that administers a priority enrollment system to grant priority registration for enrollment to students in the CCC Extended Opportunity Programs and Services (EOPS) and to disabled students, as defined (EC Section 66025.91.).
- 6) Requires each community college district that administers a priority enrollment system to grant priority registration for enrollment to students in the California Work Opportunity and Responsibility to Kids (CalWORKs) or Tribal Temporary Assistance for Needy Families (TANF) recipient (EC Section 66025.91.).
- 7) Authorizes a community college registered nursing program to use any diagnostic assessment tool that is commonly used in registered nursing programs and approved by the Chancellor of the California Community Colleges. (EC Section 78261).
- 8) Authorizes a community college registered nursing program to use additional multicriteria screening measures, administered in accordance with specified requirements, if it determines that the number of applicants to that registered nursing program exceeds its capacity. (EC Section 78261.3)
- 9) Authorizes such a community college registered nursing program to admit students in accordance with a random selection process or a blended combination of random selection and a multicriteria screening process, as specified. (EC Section 78261.5)

**FISCAL EFFECT:** Unknown.

**COMMENTS:** *Purpose of this bill.* According to the author, there are millions of veterans who previously served in the US Armed Forces that possess unique skills training. By allowing priority registration in nursing programs for veterans and current servicemembers, the author believes that California could capitalize on the prior education, experience, and skills of veteran military personnel and significantly reduce California's projected nursing shortage.

Though veterans and servicemembers are currently granted priority registration in the Education Code, there seems to be confusion on some campuses that use additional multicriteria screening measures. These additional measures were added to state law in order to improve retention rates in CCC nursing programs, and list veteran status as one of many criteria that can be factored into admission.

This bill would clarify that current servicemembers and veterans would receive priority registration enrollment status notwithstanding any other law – including in nursing programs using multicriteria screening measures.

*Background.* In the early 1990s, a controversy arose over merit-based or competitive admissions to Associate Degree of Nursing (ADN) programs. The Mexican-American Legal Defense and Education Fund (MALDEF) threatened a lawsuit because students of color were being disproportionately denied admission to impacted programs. In the negotiations that ensued, MALDEF agreed not to bring suit, and the CCC Board of Governors (BOG) agreed to develop program admissions criteria that would be validated as relevant to future performance. BOG regulations in the mid-1990s prohibited ADN programs from using evaluative mechanisms -

usually grade point average (GPA) - unless the district could validate its practices in a complex research initiative. Lotteries and wait lists were instituted; completion rates fell.

The CCC Chancellor's Office (CCCCO) then began a project (as a district grant) to research a full range of variables, seeking those that would be statistically correlated with nursing program student success in the hopes of finding six colleges for which validation could be achieved. In 2002, the CCCCCO announced results, finding that four factors best predict student success in completing nursing programs: Overall college GPA, English GPA, Core Biology GPA (Anatomy, Physiology, Microbiology), and Core Biology course repetitions. (Students with fewer repetitions have a higher probability of success.) CCC districts were then advised in an October 2002 memo that they could begin using these criteria, but in order to do so, local research must first be performed, "If the decision is made to adopt the measures as a prerequisite, and to set cut scores that will result in defined program completion rates, then districts must analyze and monitor the possibility of disproportionate impact on particular groups of students defined in terms of race, ethnicity, gender, age, or disability."

The districts were also warned, "It is appropriate to consider potential risks of implementing this research. The adoption of the prerequisite measures and the implementation of the composite formula could result in rationing access. Unless the implementation of these measures is done carefully according to the guidelines discussed later in this memo, it could conflict with the requirement for open access."

*AB 1559 (Berryhill).* Assembly Member Berryhill introduced AB 1559 (Chapter 712, Statutes of 2007), 15 years after the controversy. AB 1559 sought to address the fact that some CCC districts had been left with "non-evaluative" mechanisms, that is, a lottery or a waiting list because they simply had not found the resources to comply with the resource-intensive rules promulgated by the CCCCCO (as described above).

AB 1559 authorized community colleges to use multicriteria screening measures and a random selection, or process, blending the two, administered in accordance with specified requirements, if it determines that the number of applicants to that registered nursing program exceeds its capacity. Annual reporting is required, and the most recent report released in 2017 noted that "...of the 77 California community colleges that have registered nursing programs, 40 colleges (51 percent of the total offering nursing programs) reported in the survey that they began using the multi-criteria process between 2008 and 2016. The colleges starting to use the multi-criteria process in the recent years have experienced a decrease in attrition rates."

*Nursing shortage?* Various studies and reports indicate that the demand for nurses is strong and/or project that the demand for nurses will be greater than supply. The California Employment Development Department (EDD) projected in January 2017 that between 2014 and 2024, California will have 105,000 openings for registered nurses.

The Bureau of Registered Nursing's Employment Projections 2012-2022, released in December 2013, notes that registered nursing is among the top occupations for job growth and will require an increase of 19 percent by 2022. Between workforce growth and the need for replacements due to retirements and attrition, the Bureau estimates 1.05 million nurses will be needed by 2022.

As noted in a 2017 LAO analysis on the CSU's Doctor of Nursing Practice program, "...the large number of nursing graduations in the state (which has held reasonably stable at about

11,000 per year) likely is sufficient to ensure an adequate nursing workforce in the state for decades to come. Some hospital officials still report difficulty, however, with recruiting experienced registered nurses (RNs) for certain specialized positions and attracting nurses to work in certain regions of the state (such as the Inland Empire and rural areas).”

*Priority enrollment.* Priority registration enrollment decisions are made at the campus level at each segment. This process allows specified students access to classes ahead of the general student population. Though efforts have been made by all three segments to address course and program impaction, some campuses are still unable to accommodate all students who enroll in the course. Thus, students who have priority registration enrollment status have a significant advantage over other students, particularly at CCCs.

Current law stipulates that, in addition to veterans and current servicemembers, priority enrollment is granted to: foster youth or former foster youth, homeless youth, CCC EOPS students, to disabled students, to CalWORKs recipients, and to Tribal TANF recipients.

*Jobs for Veterans Act.* On November 7, 2002, the Jobs for Veterans Act (JVA), Public Law (P.L.) 107-288 was signed into law. One provision of the JVA, codified at 38 U.S.C. 4215, establishes a priority of service requirement for covered persons (i.e., veterans and eligible spouses, including widows and widowers, as defined by this statute) in qualified job training programs.

From 2005-2010, several CCC ADN programs received federal Workforce Investment Act (WIA) funding to provide for the expansion of existing ADN programs by increasing the number of clinical groups taught by the faculty at the community colleges. As stipulated by the JVA, these programs were required to provide a priority service requirement to veterans and their spouses. WIA was reauthorized as the Workforce Innovation and Opportunity Act (WIOA) in 2014, and a priority service requirement the veteran for any federal Department of Labor-funded program.

From 2010-2017, several California Community College consortiums received federal Trade Adjustment Assistance Community College and Career Training (TAACCCT) funding. The following programs would have been required to provide a priority to veterans: Saddleback College, Los Angeles City College, Los Angeles Trade Tech College, Los Angeles Harbor College, Los Angeles Southwest College, and LA Valley College, among others.

*Staff comments.* The higher education staff analysis of AB 2133 (Blumenfield, 2012), which modified the current definition of priority registration enrollment for veterans and current servicemembers, noted that “...it is staff’s understanding that existing law and practice provide priority enrollment for veterans and active duty military regardless of the course or degree program”. Staff notes that the intent of the author and the understanding of staff at the time was that the priority being granted would include nursing programs.

As noted in the “priority enrollment” section above, there are other categories of students that are granted a priority registration enrollment under current law. *The author may wish to consider* if the provisions of this bill should be expanded to explicitly include other groups of students for whom priority registration enrollment is otherwise clearly granted under current law.

*Prior legislation.* AB 548 (Salas), Chapter 203, Statutes of 2014, extended the sunset on the CCC districts' ADN programs admissions process until January 1, 2020; and, requires the CCC Chancellor to submit a report annually to the Governor and the Legislature that examines and includes specified information on nursing students admitted through the multicriteria screening process.

AB 2133 (Blumenfield) Chapter 400, Statutes of 2012, allows a former member of the Armed Forces of the United States to use his or her four years of priority registration enrollment at the CSU and the CCC within 15 years of leaving active duty.

AB 1559 (Berryhill), see above for description.

SB 813 (Committee on Veterans Affairs), Chapter 375, Statutes of 2010, extended priority enrollment for veterans from two to four years.

SB 272 (Runner), Chapter 356, Statutes of 2007, as chaptered, established priority registration for two years for members of the military.

SB 1309 (Scott), Chapter 837, Statutes of 2006, enacted a wide range of responses to the nursing shortage, including authorizing grants to CCC districts to expand enrollment, provide diagnostic assessments, developing and offering pre-entry coursework to prospective nursing students, and requiring colleges with attrition rates above 15% to use nationally validated assessment tools that determine the likelihood of success in order to qualify for funds.

AB 2177 (Jackson) of 2004, which required CCC-ADN programs to implement merit-based admissions and incorporated the four validated factors in the CCCCCO study, stalled on the Assembly Floor.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

None Received

### **Opposition**

None Received

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