

Date of Hearing: April 25, 2023

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

AB 1695 (Gipson) – As Amended April 18, 2023

SUBJECT: Career technical education: Nursing Pathway Pilot Program.

SUMMARY: Establishes the Nursing Pathway Pilot Program in high schools to create pathways toward associate degrees in nursing at California Community Colleges (CCC), subject to an appropriation. Specifically, **this bill:**

- 1) Establishes the Nursing Pathway Pilot Program.
- 2) Requires, subject to an appropriation of one-time funds for this purpose in the annual Budget Act or another statute, the Superintendent of Public Instruction (SPI) to allocate funding for the development of career pathways toward an associate degree in nursing at community college schoolsites, serving students in grades 9-12, subject to an appropriation of one-time funds for this purpose.
- 3) Requires the SPI to allocate funds to pilot local educational agencies (LEAs) on the basis of an equal amount per average daily attendance (ADA) based upon 2022-2023 figures, authorizes the funds to be encumbered through the 2026-2027 fiscal year, and requires funds to be subject to annual audits.
- 4) Requires the SPI to select the LEAs through a competitive application process by no later than July 1, 2024, based on an applicant's demonstrated ability with a CCC to provide all of the following:
 - a) Professional development for teachers, administrators, and paraprofessional staff or other classified employees involved in the direct instruction of pupils in the nursing profession, the employment opportunities that a career in nursing offers, the educational requirements for various nursing degrees, and age-appropriate instruction on basic direct patient health care principles;
 - b) The ability for pupils to earn credits towards an associate degree in nursing program at any CCC; and,
 - c) The inclusion of a signed statement of support from a community college.
- 5) Authorizes a pilot LEA to use the funds received for any of the following:
 - a) Professional development for teachers, administrators, and paraprofessional staff or other classified employees involved in the direct instruction of pupils on the nursing profession, the employment opportunities that a career in nursing offers, the educational requirements for various nursing degrees, and age-appropriate instruction on basic direct patient health care principles;
 - b) Instructional materials aligned to the applicable science curriculum framework adopted by the State Board of Education (SBE) and addressing the nursing profession; and,

- c) Age-appropriate hands-on instruction in hospitals, clinics, or other health care facilities.
- 6) Requires that a student enrolled in a pilot program earn credits toward an associate degree in nursing at any CCC. Credits are required to be applied upon the student's successful admission to the nursing program.
- 7) Requires that a student who completes a pilot program be granted preferential enrollment status toward an associate degree in any CCC, subject to the establishment of additional capacity in community college nursing programs above and beyond the level in place for the 2024-2025 academic year (AY).
- 8) Requires the CCC Board of Governors (BOG) to adopt policies to implement the requirements of this section.
- 9) Requires the California Department of Education (CDE), by January 1, 2028, to submit a report on the pilot program to the Legislature.
- 10) Sunsets the pilot on January 1, 2032.
- 11) Finds and declares the following intent of the Legislature:
 - a) It is critical to public health and to the public health care workforce that California develops and encourages educational pathways for nursing degrees in California's public school systems;
 - b) It is necessary to encourage nursing education prior to postsecondary education; and,
 - c) California pupils should have opportunities to explore nursing careers in grades 9 to 12, inclusive.

EXISTING LAW:

- 1) Establishes the mission and function of the CCC, which, in part is to: 1) offer academic and vocational instruction at the lower division level for both younger and older students, including those persons returning to school; 2) authorizes the CCC to grant the associate in arts and the associate in science degrees; 3) requires the CCC to offer English as a Second Language instruction, adult noncredit instruction, and support services which help students succeed at the postsecondary level; and, 4) advance California's economic growth and global competitiveness through education, training, and services that contribute to continuous work force improvement (Education Code (EC) Section 66010.4)
- 2) Establishes the CCC, a postsecondary education system in this state, under the administration of the Board of Governors (BOG); and, specifies that the CCC consist of community college districts (EC Section 70900).
- 3) Requires the CCC BOG to provide leadership and direction in the continuing development of the California Community Colleges as an integral and effective element in the structure of public higher education in the state. The work of the BOG must at all times be directed to

maintaining and continuing, to the maximum degree permissible, local authority and control in the administration of the CCC (EC Section 70901).

- 4) Stipulates, until January 1, 2025, that if a community college registered nursing program determines that the number of applicants to that program exceeds its capacity, the nursing program may admit students through the following methods:
 - a) Administer a multicriteria screening process to evaluate applicants, applying evaluation measures with the following:
 - i) The criteria applied in a multicriteria screening process will include, but is not limited to:
 - (1) Academic degrees or diplomas, held by an applicant;
 - (2) Grade-point average in relevant coursework;
 - (3) Any relevant work or volunteer experience;
 - (4) Life experiences or special circumstances of the applicants as defined; and,
 - (5) Proficiency in advance level coursework in languages other than English, as defined;
 - ii) Additional criteria such as a personal interview, a personal statement, a letter of recommendation, or a number of repetitions of prerequisite classes may be included but are not required; and,
 - iii) Additional criteria may include the use of a diagnostic test.
 - b) A random selection process; and,
 - c) A blend of a random selection process or a multicriteria screening process (EC Section 78261.5).
- 5) Authorizes the K-12 component of the Strong Workforce Program (SWP) to create, support, or expand high-quality CTE programs at the K-12 level that are aligned with the workforce development efforts occurring through the SWP, and authorizes, commencing with the 2018-19 fiscal year, and subject to an annual appropriation, \$150 million to be apportioned annually by the California Community Colleges Chancellor's Office (CCCCO) to local consortia (EC 88827).

FISCAL EFFECT: Unknown

COMMENTS: *Double referral.* This measure was heard in the Assembly Committee on Education, where it passed with a 7-0 vote on April 12, 2023. Issues germane to the Education Committee's jurisdiction are referenced in that Committee's analysis.

Purpose of the measure. According to the author, "California is facing a nursing shortage crisis, and we must address it at the root. This pilot program proposal is not a short-term band-aid, it is

a long-term solution. We must train and retain more nurses here in California to help stop this ever-widening chasm of demand.”

The author states that, “this pilot program will be one tool in our belt to address this crisis, and it will empower our youth to fast-track their careers. Nurses are a vital part of the healthcare team, and healthcare systems fall apart without them, so it is crucial to shoring up our supply before this crisis reaches a critical tipping point.”

According to the Urban Institute’s March 2022 report, titled, *Growing and Supporting Diverse Nursing and Medical Workforce in California*, although California is the most diverse state in the Union, the majority of its nurses are White. The report cites that statewide, Black and Latinx individuals account for 5.5% and 8% respectively of the nurses in the state.

The report made several recommendations in order for California to increase the diversity of the nursing field, including, but not limited to the following:

- 1) Develop and support an interdisciplinary, multisector working group on pathways to nursing specifically for Black and Latinx populations;
- 2) Work with nursing schools to develop a California-specific online compendium of pathway programs, financial, and career supports that can easily be accessed by Black and Latinx students interested in nursing;
- 3) Support the development and maintenance of nursing mentorship programming, including guidance, training, and compensation for mentors;
- 4) Work with the California Board of Registered Nursing and experts to map Black and Latinx practicing nurses to understand which geographic areas have the biggest gaps in diversity; using the information to inform workforce development strategies and to assess change over time; and,
- 5) Establish direct transfer agreements between local nursing associate’s degree programs and bachelor of science nursing programs to facilitate admission into and completion of bachelor’s degree in nursing programs among students from economically disadvantaged backgrounds.

The author contends that, “this bill is working to develop and encourage educational pathways in public school systems for students who want to pursue nursing. The aim of this bill is to increase the number of nurses trained here in California to alleviate this nursing shortage.”

While this measure is not a direct response to the aforementioned report, it does appear to align, in part, with the recommendation of creating pathway programs that could assist in increasing the diversity of nurses in the state.

Current status of nursing programs at the CCC. The CCC offer three different types of nursing programs: Certifications as nursing assistants, Licensed vocational nursing (LVN), and Registered nursing (RN) degrees. According to the CCCCCO’s 2019 Nursing Report (the most recent report), based on data from the 2017-2018 AY, of the 115 brick and mortar CCC, 77 offered an associate’s degree in nursing. The 2017-2018 AY, had a total enrollment of 12,960 full-time equivalent students in nursing programs.

According to the CCCCCO report, “colleges receiving nursing grants for enrollment growth had 12,960 nursing full-time equivalent students in 2017-2018, a decrease of 7.4% from the previous fiscal year. Colleges awarded grants based on the additional capacity achieved by the additional enrollments.”

It is presently unclear why nursing student enrollments declined and if the nursing student enrollments have subsequently increased in more recent AYs.

Dual enrollment. According to the United States Department of Education's Institute of Education Sciences Transition to College, *What Works* Clearinghouse Report of February 2017, dual enrollment programs allow high school pupils to take college courses and earn college credits while still attending high school. Historically, dual enrollment targeted higher-achieving students through Advanced Placement (AP) exams or attending community college to take advanced courses after the student had exhausted courses offered at their high school campus. However, more recently, policymakers and educators have utilized dual enrollment as a strategy to help more students earn college credit and ease the transition to college.

Such programs, also referred to as concurrent enrollment, dual credit, or early college programs, are designed to increase college access and degree attainment, especially for students typically underrepresented in higher education.

In August 2019, the National Center for Education Statistics published findings from the *High School Longitudinal Study of 2009*. The data collected represented a cohort national study of the course taking behavior of high school students from 2009 to 2013. The study found that 89% of high schools in the nation offer dual enrollment programs, but only 11% of students participated in dual enrollment programs. Recent research from the UC Davis Wheelhouse in collaboration with the California Education Lab and Policy Analysis for California Education, found that California has not only exceeded the national average of dual enrollment participation, but has increased dual enrollment participation from 11.3% in 2015-2016 to 18.2% in 2018-19.

According to a 2021 policy brief from the Public Policy Institute of California (PPIC), *Dual Enrollment in California*, more than 112,000 California high school students graduating in the 2019–2020 school year participated in dual enrollment. That represented an increase of 56% from the 2015-2016 school year. The PPIC report attributed the growth, in part, to the authorization of College and Career Access Pathways Partnership (CCAPs) in 2016. After high school, students who participated in dual enrollment enroll at two- and four-year colleges at higher rates compared to all high school graduates.

This measure, the Nursing Pathway Pilot Program, in part, creates a dual enrollment program specifically for high school pupils choosing to enter into the nursing field.

Priority enrollment at the CCC. The CCC is the only open access public college system in California; the CCC accepts the top 100% of applicants and provides education to all students. The CCC also has limited enrollment or impactation in many programs of study. Nursing is one of the most impacted programs. The California Code of Regulations, Title 5, Section 58106, authorizes the CCC to limit enrollment utilizing the following methods:

- 1) Limiting enrollment to students who meet designated prerequisites and corequisites;

- 2) Limiting enrollment due to health and safety considerations, facility limitations, faculty workload, the availability of qualified instructors, funding limitations, constraints of regional planning, or legal requirements imposed by statutes, regulations, or contracts. When limiting enrollment for the above circumstances, the governing board of the community college may adopt policies that consist of one or more of the following:
 - a) Limiting enrollment on a first-come, first-served basis;
 - b) Limiting enrollment using a registration procedure that includes priority enrollment;
 - c) Allocate available seats to students judged most qualified (this is limited to courses of intercollegiate competition, honors courses, or public performance courses); and,
 - d) Limiting enrollment using any selection procedure expressly authorized by statute.

As noted in this Committee's analysis of AB 689 (Carrillo) of 2023, according to the CCCCCO, limited enrollment courses include Career Technical Education courses and nursing programs due to the nature of the course (limited lab placements) and the limitations in qualified faculty. When a course has limited enrollment or impactions, the result is a wait list, which can result in students waiting a semester or even up to an entire year before placement in the course.

Per the EC, a robust number of identified student groups already qualify for priority enrollment these groups include, but are not limited to: service members, or former service members of the United States Armed Forces and the State Guard, current and former foster youth, current and formerly homeless youth, disabled students, and students with dependents.

Additionally, community college districts are authorized to add additional groups of students who can receive priority registration; these student groups, in part, include: athletes and students in the California Promise program.

Committee comments. As currently drafted, this measure stipulates that pupils who successfully complete the pilot program will automatically gain preferential enrollment status toward an associate degree in a nursing program at any CCC, subject to the establishment of additional capacity in CCC nursing programs above and beyond the level in place for the 2024-2025 AY.

For several years, nursing courses at most CCC remain impacted and waitlists are long. Should more course offerings open in the 2024-2025 AY, college students who have been on the waitlists, more likely than not, would fill any new slots. However, as this this bill is drafted, high school pupils could potentially displace adults in these nursing courses.

Moving forward, the author may wish to work with the CCCCCO and the CCC Statewide Academic Senate in order to address the potential of children displacing adults in much needed nursing programs at the CCC.

Additionally, this measure is subject to an appropriation of one-time funds in the annual Budget Act or another statute. Committee Staff understands that the United Nurses Associations of California/Union of Health Care Professionals (UNAC/UHCP) have submitted a 2023-2024 budget proposal to the Governor and the Legislature, which, in part, if approved, could potentially fund the provisions contained in this measure.

Arguments in support. According to the UNAC/UHCP, “California faces a severe shortage of nurses, both now and in the future. If present trends continue, the shortage of nurses will only grow in the coming decades. With nursing programs impacted all over the state, it is imperative that we do whatever we can to speed up the training pipeline and get qualified nurses into patient care setting as soon as possible.”

Further, UNAC/UHCP contends that, “AB 1695 accomplishes that by allowing high-school students to start earning the credits they need earlier than under current law, and enables them to complete the degree necessary to begin their career earlier. Currently, many potential nursing students are discouraged from entering the field simply because it will take years longer than it should for them to actually embark upon their professional career.”

Lastly, UNAC/UHCP states that, “because it takes so long to get into nursing programs due to extended wait lists, this bill will remove some of the barriers facing students. This bill can make a real difference toward addressing the shortage of nurses, by enabling them to enter programs sooner and stay on track for the completion of the degree program. More nurses means more adequate staffing, which in turn leads to better patient outcomes and better health care access for all Californians.”

Related legislation. AB 689 (Wendy Carrillo), which is scheduled to be heard by this Committee on April 25, 2023, in part, establishes a requirement beginning in the 2024-2025 AY, for limited enrollment course or programs and nursing programs offered at the CCC to reserve placements for incumbent health care workers and requires the CCC to provide priority registration for incumbent health care workers.

REGISTERED SUPPORT / OPPOSITION:

Support

United Nurses Associations of California/Union of Health Care Professionals

Opposition

None on file.

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