

Date of Hearing: March 5, 2019

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 239 (Salas) – As Introduced January 18, 2019

SUBJECT: Community colleges: registered nursing programs

SUMMARY: Extends the sunset on the California Community College (CCC) districts' associate degree nursing (ADN) programs admissions process until January 1, 2025.

EXISTING LAW:

- 1) Sets forth the missions and functions of the public institutions of higher education in the state, which includes the CCC, the California State University (CSU), and the University of California (UC) (Education Code (EC) Section 66000, et seq.).
- 2) Allows CCC districts to use any diagnostic assessment tools that are commonly used in registered nursing programs and approved by the CCC Chancellor and, if, after using an approved diagnostic tool, the CCC registered nursing program determines that the number of applicants to the program exceeds its capacity, the program is authorized to use additional multicriteria screening measures. Current law also allows a CCC district to: exclude an applicant to a registered nursing program if the applicant is not a resident of that district or has not completed prerequisite courses in that district; and, to implement policies, procedures, and systems, including, but not limited to, priority registration systems, that have the effect of excluding an applicant or student who is not a resident of that district from a registered nursing program of that district (EC Section 78261.3).
- 3) 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, “AB 239 will extend the sunset on current law to allow CCCs nursing programs to continue utilizing multi-criteria screen tools (MCST) for admissions, which will address the impact on admissions by assessing a candidate’s qualifications and decrease attrition rates by ensuring that entrants into the program are adequately prepared to undertake the course requirements.”

“The CCC graduates over 4,000 nurses each year. Seventy percent of the nurses in California received their education from community colleges. The CCCs developed the MCST to address the impact on nursing admissions. MCST allows the nursing programs to evaluate an applicant’s academic performance, work or volunteer experience, foreign language skills, life experiences and special circumstances, while maintaining diversity and assessing candidate qualifications.”

CCC ADN program admissions. In the early 1990s, a controversy arose over merit-based or competitive admissions to 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, a requirement that proved too difficult for colleges without sufficient research staff. CCC districts were told to undertake the research or rely on lottery or other non-evaluative mechanisms. 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."

At that time, the CCCCCO acknowledged the severity of the nursing shortage and asserted to its ADN program directors, "The biggest part of the solution is in increasing the number of spaces; the lesser part of the solution is in improving success rates."

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.

Mandatory reporting. AB 548 (Salas, 2014) required an annual report to be submitted that required the participation, retention, and completion rates in community college ADN programs of students admitted through a multicriteria screening process, disaggregated by the age, gender, ethnicity, and the language spoken at the home of those students. The language also required information on the annual impact, if any, the Seymour-Campbell Student Success Act had on the matriculation services for students admitted through the multicriteria screening process.

The most recent CCCCCO *Nursing Educational Programs Report* released in 2018 noted that 77 CCCs operate registered nursing programs, enrolling a statewide total of 14,010 full-time equivalent students in 2016-17, an increase of 3.6 percent from the previous school year. Of the 77 colleges with nursing programs, 74 were awarded state funds to expand the enrollment capacity of nursing programs and to implement assessment, remediation and retention strategies to decrease attrition rates. In 2016-17, California community college nursing program enrollment increased by 1,514 students (compared to 2015-16s enrollment increase by 1,525 students), and the overall attrition rate was 11.82 percent (compared to 2015-16s of 13.8 percent).

A survey was given to 77 colleges to assess the funds for the nursing program. There were 71 colleges who responded (92.21 percent response rate), while six did not complete the survey. There were 42 out of 71 (59.15 percent) colleges who use MCST in the selection of their applicants, while 29 out of 71 (40.85 percent) used at least one of the following methods: (1) first come first serve; (2) pre-requisite courses; (3) the Chancellor's Office validation process; (4) modified random selection; and (5) lottery/random selection. Some multi-criteria colleges also use a combination of these five additional methods in selecting students from their qualified applicant pool.

A total of 4,541 students graduated from a registered nursing program from one of the 71 colleges that responded to the CCCCCO's annual survey. Results from a statistical analysis showed a small but significant difference in the average number of applicants who graduated in the program using MCST versus non-MCST. It appears that colleges who use multi-criteria screening graduate more students, on average, than colleges who do not use it.

The *Nursing Educational Programs Report* also includes an analysis of retention and success rates during the fall 2006 and fall 2016 terms, which serve as a comparison before and after the implementation of AB 1559 for the MCST process. For this analysis, the CCCCCO identified 37 MCST colleges, and 28 non-MCST colleges. The results showed no disproportionate impact by gender. However, there are some subgroups in age and ethnicity/race that showed adverse disproportionate impact. In particular, students who are younger than 20 years old, or at least 50 years in age, have disproportionately lower retention and success rates in both fall 2006 and fall 2016. For the ethnicity/race, the African American subgroup had an adverse disproportionate impact in both retention and success rates in fall 2006, but the gap has improved in fall 2016 by eliminating the significant gap in the retention rate. It appears that using the multi-criteria is associated with decreasing the percentage point gap in the retention rates for all subgroups.

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 for certain specialized positions and attracting nurses to work in certain regions of the state (such as the Inland Empire and rural areas).”

Prior legislation. AB 809 (Quirk-Silva) of 2018, which required 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 to nursing programs, passed out of the Assembly before being amended in the Senate to address cyber security.

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 1559 (Berryhill), described on page 2 of the analysis.

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 in the Assembly.

REGISTERED SUPPORT / OPPOSITION:

Support

California Community College Chancellor's Office (Sponsor)

Opposition

None on file

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