

Date of Hearing: April 25, 2023

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

AB 689 (Wendy Carrillo) – As Amended March 23, 2023

**SUBJECT:** Community colleges: enrollment and registration: incumbent health care workers

**SUMMARY:** Establishes a requirement beginning in the 2024-2025 academic year, for limited enrollment course or programs and nursing programs offered at community colleges to reserve placements for incumbent health care workers and requires community colleges to provide priority registration for incumbent health care workers. Specifically, **this bill:**

- 1) Authorizes a community college, beginning in the 2024-25 academic year, to require the enrollment of incumbent health care workers to be at least 15% but no less than three students for each limited enrollment course or program. Does not require a community college to admit incumbent health care workers if the worker is otherwise ineligible for admission to the course or program and permits a community college to enroll students at will if the community college after initial admissions there is an insufficient number of incumbent health care workers who applied for admission to the limited enrollment course or program.
- 2) Requires a community college, beginning with the 2024-2025 academic year, to provide priority registration to students who are incumbent health care workers, if the community college has a priority enrollment system in place.
- 3) Stipulates when a community college registered nursing program has more applicants than capacity the community college may use a multicriteria screening process, a random selection process, or a combination of both; however, for any of the methods employed the community college must adhere to the following:
  - a) Beginning in the 2024-2025 academic year, community college registered nursing programs are required to admit at least 15%, but not less than three students, who identify as incumbent health care workers. Does not require a community college to admit incumbent health care workers if the worker is otherwise ineligible for admission to the course or program and permits a community college to enroll students at will if the community college determines there is an insufficient number of incumbent health care workers who applied for admission to the registered nursing program described in (4).
- 4) Repeals a sunset date for the procedures on how community colleges may screen applicants to be admitted to nursing programs where applicants outnumber the capacity of the nursing programs. Extends the screening processes indefinitely.
- 5) Defines for purposes of the measure the following:
  - a) “Health care facility” as any of the following:
    - i) A general acute care hospital, as defined;
    - ii) An acute psychiatric hospital, as defined;

- iii) A skilled nursing facility, as defined;
  - iv) A clinic, as defined;
  - v) A physician organization that is part of a fully integrated delivery system that includes a physician organization, health facility or health system, and a nonprofit health care service plan that provides medical services to enrollees in a specific geographic region of the state through an affiliate hospital system and an exclusive contract between the nonprofit health care service plan and a single physician organization in each geographic region to provide those medical services; and,
  - vi) A designated public hospital system, as defined, and its affiliated governmental health and behavioral health provider entities;
- b) “Incumbent health care worker” means a worker who meets all the following requirements:
- i) The worker is paid to work in a health care facility to directly, or indirectly, care for or assist patients. Provides examples of direct care as including but not limited to: nurses and doctors and indirect care as including, but not limited to clerical services, dietary services, environmental services, and laundry services;
  - ii) The worker has an employment history with the health care facility for six months or more; and,
  - iii) The worker has met the necessary prerequisites and corequisite, as defined; and,
- c) “Limited enrollment course or program” as a course or program with limited enrollment, as defined.

**EXISTING LAW:** *State law listed below is pertaining to the jurisdiction of the Assembly Committee on Higher Education as it relates to the community colleges.*

- 1) Establishes the California Community Colleges (CCC) under the administration of the Board of Governors of the CCC, as one of the segments of public postsecondary education in California. The CCC shall be comprised of community college districts (Education Code (EDC) Section 70900).
- 2) Authorizes the CSU and each community college district, and requests the UC to offer priority registration for any existing or former member of the State Guard or a former member of the Armed Forces of the United States who is a California resident and has been honorably discharged, as defined (EDC Section 66025.8).
- 3) Authorizes the CSU and each community college district, and requests the UC to offer priority registration to foster youth, former foster youth, homeless youth, or formerly homeless youth, as defined (EDC Section 66025.9).
- 4) Requires each community college district to offer priority registration to students eligible for disabled student programs and services, students eligible for extended opportunity programs and services, students receiving CalWORKS, and students who receive Tribal Temporary Assistance for Needy Families as defined (EDC Section 66025.91 and 66025.92).

- 5) Requires, beginning no later than July 1, 2023, each campus of the CSU, and each campus within a community college district, and requests each campus of the UC to offer priority registration to student parents. Encourages the CCC, the CSU, and the UC to utilize data from the Free Application for Federal Student Aid, the California Dream Act Application, the application to receive a fee waiver at the CCC, and any campus form or document that identifies student parents. Student parents for purposes of priority enrollment are defined as a student who has a child or children under 18 years of age who will receive more than half of their support from the student (EDC Section 66025.81).
- 6) Stipulates should a community college registered nursing program determine 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 will apply measures of evaluation in accordance 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;
      - (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.

Requires a community college that uses a multicriteria screening process to report its nursing program admission policies to the Chancellor annually, in writing. The policy will include how each criteria is factored into the college's decision in terms of admission.

Requires the Chancellor's Office of the CCC to submit a report on or before March 1, 2015, and by March 1 each year thereafter that examines the following:

- a) The participation, retention, and completion rates in a community college registered nursing program of students admitted through a multicriteria screening process as described, disaggregated by the age, gender, ethnicity, and language spoken at the home of the students admitted;

- b) Information on the annual impact, if any, of the Seymour-Campbell Student Success Act had on the matriculation services for students, admitted through the multicriteria screening process.

Permits the above report to be submitted annually in conjunction with another report on nursing programs.

Repeals all of the above on January 1, 2025, unless another statute extends the date (EDC Section 78261.5).

**FISCAL EFFECT:** Unknown

**COMMENTS:** *Need for the measure.* As delineated by the author, “California is in a health care workforce crisis. Even before the COVID-19 pandemic, California faced a shortage of trained health care employees. In January 2020, Futuro Health conservatively estimated a shortage of 500,000 allied health employees by 2024. In the aftermath of the pandemic, this workforce shortage has only grown worse. And it is not limited to the allied health professions. According to a recent study by UCSF, California had a deficit of 40,000 registered nurses in 2021, and that number has likely only grown. These shortages disproportionately impact disadvantaged communities throughout California. Fortunately, there are potential solutions to the state’s health care workforce crisis. One of the most promising areas is in training incumbent workers, which would enable the existing workforce to advance in their careers to earn a higher wage. In health care, this could include training a licensed vocational nurse to become a registered nurse or training an orderly to become a phlebotomist. Unfortunately, the current method of assigning seats within impacted programs at California’s community colleges limits incumbent worker training in the health care industry. This is why I authored AB 689.”

The author further contends, “simply put, AB 689 does two things: First, AB 689 provides health care employees with priority registration when enrolling in community college courses. This would ensure that health care workers have access to the courses they need. Second, AB 689 would require that community colleges set aside at least 15% of the slots in their impacted courses for health care workers, ensuring they have full access to the impacted courses that will assist them in their training.”

*California Community Colleges (CCC).* The publication and adoption of the 1960 Master Plan for Higher Education established the three-part higher education system, with each public higher education system serving a distinct purpose on behalf of the State of California. The CCC system is the largest college system in the United States and is home to 116 unique community colleges throughout the State. Each of the 58 counties in California has at least one community college and collectively these colleges educate 1.8 million students. The mission of the CCC as outlined in the Education Code is to provide academic and vocational instruction in certificates, associate degrees, and associate degrees for transfer.

The CCC is also the only open-access public college system in California. The CCC accepts 100% of applicants and provides education to all students regardless of academic or socioeconomic background. However, being open access does not infer that courses are readily available to any one student. Just like their four-year university counterparts, the CCC has prerequisites and corequisites for specified courses. Such as the prerequisite of having to have completed trigonometry before enrolling in calculus. The CCC also has limited enrollment or

impaction. The California Code of Regulations, Title 5, Section 58106, explains limited enrollment may be provided for specific courses through 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.

According to the Chancellor's Office, limited enrollment courses are courses that have limited enrollment capacity either due to the teaching method (limited lab placements or equipment) or due to limited qualified faculty. These courses are typically Career Technical Education courses or nursing courses. When a course has limited enrollment or impactions, a wait list ensues which can result in students waiting a semester, or even up to an entire year, before placement in the course. AB 689 (Carrillo) provides priority placement for health care workers and therein, guarantees these students a seat in "impacted" or limited courses.

*Healthcare vocational education.* Healthcare vocational education offered by the CCC are known as stackable credentials or as defined by the U.S. Department of Labor, "a sequence of credentials that can be accumulated over time to build up an individual's qualification and help them move along a career pathway." As recorded by the CCC Chancellor's Office Management Information Systems Data Mart, the CCC system awarded 25,571 health-related degrees and certificates in the 2021-22 academic year. The most common healthcare vocation program is the nursing program offered at the CCC. Stackable credentials mean a student could earn a sequence of credentials or a single credential before entering the workforce. Each credential would provide additional skill sets that would lead to a student being promoted or offered different job opportunities depending on the skills attained.

However, according to a report published by the Public Policy Institute of California (PPIC), "Health Training Pathways at the CCC," only 1/5 of students embark on nursing-related pathways, the majority of students in health sciences are in other training programs such as medical assistance, and emergency medical services programs. Furthermore, the PPIC determined less than 6% of students obtain a secondary credential in the health sciences. If California is to maintain an educated workforce, ensuring students have access to stackable health credentials is one step in preserving a pipeline for highly-skilled health care workers. This bill seeks to provide this pathway by providing priority enrollment and securing placement for existing health care workers in courses that are considered impacted.

However, implied within this bill is the assumption that health care workers are returning to the CCC for a health science vocational credential. However, the measure does not restrict enrollment in “limited enrollment” courses to just those in the health sciences. While any additional vocational training is admirable for health care workers and could result in higher wages, the vocational training at the CCC is not limited to the health sciences and therefore could result in health care workers leaving the health care profession.

*Moving forward, the author may wish to consider limiting the “limited course enrollment” course to those in the health sciences.*

*Nursing programs at community colleges.* The California Registered Board of Nursing stipulates in order to be a registered nurse in the State of California, a nurse must complete a pre-licensure registered nursing program that is approved by the board and pass the National Council Licensing Examination. The minimum education requirement for a registered nurse is an associate degree in nursing. According to the California Registered Board of Nursing, 79 community colleges offer an associate’s degree in nursing. CCCs offer three different types of nursing programs: Certifications as nursing assistants, licensed vocational nursing (LVN), and registered nursing (RN) degrees. Each year the Chancellor’s Office is statutorily required to publish a report on the state of nursing at the community colleges. The most recent report was published in 2019, and the report provides various data points from the 2017-2018 academic year on the state of nursing programs. The report included the following data points:

- 1) 12,960 full-time equivalent students enrolled in 77 community college nursing programs;
- 2) 4,541 students graduated with an RN and the CCC National Council Licensing Exam pass rate was 91.58%; and,
- 3) 47 colleges used multicriteria screening in selecting applicants due to limited capacity or limited enrollment.

As featured in the *existing language section of this analysis*, one of the criteria used in the multicriteria screening process to provide priority for nursing applicants to a CCC program is vocational work. Technically health care workers are supposed to be given priority placement over other applicants if the college is using a multicriteria screening process. However, colleges are also permitted the ability to use a random selection process when a nursing program is impacted and the colleges are not required to report whether they use this process for selecting nursing applicants. Therefore, it is entirely possible that the other 30 community college use random selection thereby not providing a priority for incumbent health workers for the impacted nursing programs.

This bill would add an additional requirement for nursing programs to prioritize the placement of health care workers in nursing programs above other nursing applicants and builds upon existing law by requiring health care workers to comprise of at least 15%, but not less than three student placements, in nursing program cohorts beginning in the 2024-25 academic year.

*Priority enrollment at the CCC.* Per requirements delineated in the Education Code, the CCCs are required to provide priority registration to: members, or former members of the United States Armed Forces, members, or former members of the State Guard, current, or former foster youth, current, or formerly homeless youth, students who identify as student-parents (by July 1, 2023), students who participate in Extended Opportunity Programs and Service programs (EOPS),

disabled students (DSP), and students who participate in the CalWORKs program. According to the CCC Chancellor's Office, community college districts can also add additional groups of students who can receive priority registration. Athletes, graduating/transferring students, students who participate in TRIO Programs, Puente Project, MESA, UMOJA, and students who participate in Student Success programs (those who attend orientation) or in the California Promise program are also granted priority registration.

Due to the increase in student populations who receive priority enrollment, the CCC has adopted regulations around the order in which priority registration will be provided. Specifically, the California Code of Regulations under Title 5, Section 5, arranges the multitude of priority registrations offered by the CCC into three groups: Tier 1, or statutorily required priority registration, Tier 2, or other priority registrations the community college system has adopted, and Tier 3, or the priority registration provided to students on a district by district basis. Tier 2 consists of students who receive priority enrollment due to their continuation status as students of the college and are not on academic probation. Tier 2 is also provided to first-time students who have completed orientation and have developed a student education plan. Tier 3 is anyone else the community college wishes to provide priority registration to or in most cases the general population left to register.

The CCC enrolls the largest population of students in California, and therefore, has the largest population of students receiving priority enrollment. In fall 2022, the total number of students who identified as being one of the six legislatively required populations for priority enrollment was 174,291 out of 1,267,628, or 13.7% of the student population. In the current legislative session, the Assembly Committee on Higher Education reviewed and passed out two bills with language altering the priority registration requirements for community colleges:

- 1) AB 255 (Alanis, 2023), currently in the Assembly Committee on Appropriations, would provide priority registration to first responders, as defined; and,
- 2) AB 368 (Holden, 2023), currently in the Assembly Committee on Appropriations, would provide Tier 3 priority registration to high school students who participate in specified courses as designated by the College and Career Access Pathways Program.

Neither AB 255 (Alanis, 2023) nor AB 689 (Carillo) provide specificities around the type of priority enrollment the students are to receive. The governing boards of each community college could potentially determine priority enrollment for these occupations, first responders and health care workers are either Tier 1, Tier 2, or Tier 3 since both measures are silent on the specificities of the placement of priority enrollment.

*Arguments in support.* As contextualized by the California Hospital Association and the California State Council of Service Employees International Union, “fortunately, there are potential solutions to the state’s health care workforce crisis. One of the most promising areas is in training incumbent workers, which would enable the existing workforce to advance in their careers to earn a higher wage. In health care, this could include training a licensed vocational nurse to become a registered nurse or training an orderly to become a phlebotomist. However, there are fundamental barriers to health care workers accessing appropriate training. This is why — in the face of such a profound crisis — the California Hospital Association and the Service Employees International Union (SEIU) have come together to co-sponsor Assembly Bill (AB) 689, which would address some of the challenges.”

“First, AB 689 would provide health care employees with priority registration when enrolling in community college courses. This would ensure that health care workers have access to the courses they need. Second, AB 689 would require that community colleges set aside at least 15% of the slots in their impacted courses for health care workers, ensuring they have full access to the impacted courses that will assist them in their training.”

“Because many health care workers already have commitments on the job as well as personal responsibilities that necessitate juggling multiple responsibilities, community colleges are the simplest and most affordable way to access academic prerequisites and training programs. Unfortunately, community college classes and programs are generally impacted, or there is more student demand than available space, and this places health care workers at a disadvantage. Not only are they limited in what courses they can sign up for due to their work schedules, but the seats that are available are apportioned by either a “first come, first served” or lottery system. Neither option assists health care workers in receiving the training they need to increase their earnings or career options. Eliminating these barriers to training would result in a “win-win” situation — the community receives an additional trained health care worker, and the employee sees increased wages for an in-demand field.”

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

California Hospital Association  
California State Council of Service Employees International Union (SEIU California)  
Stanford Health Care

##### **Opposition**

None on file.

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