

BOARD OF BARBERING AND COSMETOLOGY

FINAL STATEMENT OF REASONS

Hearing Date: August 11, 2014

Subject Matter of Proposed Regulations: Text and Reference Books for Students

Sections Affected: Section 961, California Code of Regulations

Updated Information

The Board intended to repeal the heading of Article 7 through OAL File No. 2007-0222-01N when continuing education regulations were repealed through that file. The Article 7 heading should no longer appear as a barrier to Sections 950.1 et seq. appearing in Article 6.

Local Mandate

A mandate is not imposed on local agencies or school districts.

Small Business Impact

There is no significant impact to small business.

Consideration of Alternatives

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the board would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Summary of, and Responses to, Comments Received During the 45-day Comment Period

Comment No. 1

- Leonette L. Motta

Ms. Motta says that the Board should not allow textbook publishers to regulate cosmetology practices in California. She also says that only cosmetology instructors and individual state boards have the expertise to properly evaluate and test students according to the laws of their respective states.

Board Response:

The Board rejects these comments. This regulation does not leave it to textbook publishers to define proper cosmetology practices in California. Those practices are defined by the statutes of the Legislature and Board regulations based on those statutes. This regulation is designed to ensure that textbooks and other teaching materials reflect

the examination. Moreover, the examination although for the most part national in scope and developed by a national organization, does take into account California-specific standards and practices.

Comment No. 2

- Nghi Tran

Ms. Tran says she is concerned that the Board is turning responsibility for overseeing curriculums and textbooks to a vendor is a conflict of interest and that it could add a cost to schools by making current textbooks obsolete. She urges the Board to make instructional materials available for free online.

Board Response:

The Board rejects these comments. The Board is not turning over the responsibility for school curriculums to a vendor. Although textbooks would be reviewed by the examination vendor, the Board, as the entity that hired the vendor, is ultimately responsible for the success of its examination and licensing program, in which the text and reference books used by students are a factor. Delegating the approval of text and reference books to the vendor doesn't diminish the Board's responsibility. Moreover, there is no reason to believe that the adoption of this regulatory proposal will cause any additional cost to schools, since the list of text and reference books approved by the Board and the vendor's list are largely the same. In fact, as a practical matter, the Board has been deferring to the vendor's text and reference book list since it began offering the national test three years ago without causing any new costs to the schools.

Comment No. 3

- Dian Torres

Ms. Torres says having the vendor approve text and reference books is inappropriate because it would create a conflict of interest.

Board Response:

The Board rejects this comment. There is no conflict of interest created by having the examination vendor, the National-Interstate Council of State Boards of Cosmetology (NIC), review and approve textbooks. Nearly five years ago, and following a great deal of public discussion, the Board contracted with NIC to offer the national examination that is in place in more than three dozen states. This was done in an effort to make licensing reciprocity easier between the states. Having NIC review textbooks and other teaching materials to ensure they are relevant to the examination is the next logical step. But in no way does the Board cede its ultimate responsibility for overseeing the training and licensing of barbering and cosmetology students by delegating these functions.