

TITLE. 16. BOARD OF BARBERING AND COSMETOLOGY

INITIAL STATEMENT OF REASONS

Hearing Date: August 1, 2013

Subject Matter of Proposed Regulations: Equipment for Schools

Section Affected: Section 940, California Code of Regulations (CCR)

Specific Purpose of Each Adoption, Amendment, or Repeal:

Amend Section 940, California Code of Regulations.

Problem being addressed: For many years, the Board has specifically defined the minimum equipment necessary for cosmetology schools, but offered only recommendations for equipment at barbering schools and no equipment requirements or recommendations at all at electrology schools. While the state's 26 barbering and 2 electrology schools have historically provided sufficient equipment to meet their students' needs, the Board is concerned that failure to define the minimum equipment level could lead to some barbering and electrology students being poorly trained in the use of equipment typically used in their chosen profession, as well as create a disadvantage for schools that follow the Board requirements/recommendations with schools that do not. This regulatory proposal would avoid those pitfalls and help ensure the success of both students and schools.

Anticipated benefits from this regulatory action: This regulatory proposal will make specific the minimum equipment necessary for barber and electrology schools, making them consistent with cosmetology schools, for which the minimum equipment is specified in regulation. This will have the effect of helping to ensure that barbering and electrology students are properly trained in their respective disciplines and protecting barber and electrology schools that follow the Board's equipment recommendations from being undercut by schools that do not follow them. Updating the Board's equipment requirements will bring them in line with current cosmetology practices.

Factual Basis/Rationale

Factual basis for determination that each proposed change is reasonably necessary to address the problem for which it is proposed:

The Board's minimum levels for school equipment were developed by focusing on the number of work stations and matching them to the mandates of Business and Professions Code Sections 7362.1, 7362.2 and 7362.3, which require that cosmetology, barber and electrology schools have sufficient equipment for at least 25, 15 and 5 students respectively.

Cosmetology Schools — Unlike barber and electrology schools, cosmetology schools under Business and Profession Code Section 7362.1 are required to teach three disciplines — hairstyling, manicuring and esthetics — and maintain the necessary equipment for at least 25 students. The Board has determined that 15 hairstyling stations (chairs), six manicure stations and two facial couches (for esthetics) are necessary to accommodate that number of students, taking into account that at least two students would be taking theory classes for which a chair, station or couch isn't necessary. Most of the other equipment is ancillary to the workstations and can be shared by students with judicious class scheduling on the part of the school.

Barber Schools — Barber schools are typically smaller than cosmetology schools and attract fewer students. This is reflected in the minimum number of students a school is required to have under Business and Professions Code Section 7362.2 (15), as well as the practical fact that the number of barber schools in California (26) is on-tenth of the number of cosmetology schools. The Board has determined that eight workstations or barber chairs are sufficient for 15 students, reasoning that while just over half the student body is occupied styling hair, practicing shaving and other "hands-on" barbering skills, the rest would be taking theory lessons where no chair is required. As is the case with cosmetology schools, most of the other equipment is ancillary to the work stations and can be shared by students with judicious scheduling on the part of the school.

Electrology Schools — There are only two electrology schools operating in California at this time, and their student bodies are small. Indeed, Business and Professions Code Section 7362.3 requires electrology schools only have the necessary equipment for at least five students. The Board has determined that three stations or service tables are enough to accommodate that number of students because at any given time some students will be taking theory classes for which no service table is necessary. As is the case with the other types of schools, the rest of the equipment can be shared by more than one student with judicious scheduling on the part of the school.

Other Proposed Changes — The Board has also removed the strict formula under which the level of equipment is required to rise along with average daily attendance. Because of the nature of barbering and cosmetology training, which focuses on students completing a set number of instructional hours, students often may not attend school every day, or continue to attend to make up course work past their anticipated graduation date. This makes it difficult to calculate average daily attendance in a meaningful way, making the rule practically unenforceable.

The Board has also updated the existing cosmetology equipment requirements by removing the requirement for electric combs and caps, which are rarely if ever used at present in the industry. The Board has also reduced the number of required dryers because they are not used as often in modern hair styles.

Underlying Data

- State Comparison – Equipment Requirements.

Business Impact

The Board has made an initial determination that this regulatory proposal will not have a significant adverse economic impact on businesses. Although there is a cost associated with schools providing a minimum level of equipment in the classroom, as a practical matter, it is a cost that is already being borne by the Board's approximately 300 approved schools. Moreover, the Board has determined that a school would effectively be unable to function or fulfill its mission of properly training students without the minimum levels of equipment proposed under this regulation.

Economic Impact Assessment

This regulatory proposal will have the following effects:

- It will not create or eliminate jobs, or create new business or eliminate existing business, or affect the expansion of businesses, within the State of California because schools already largely comply with the minimum equipment levels contained in this regulatory proposal.
- This regulatory proposal benefits the health and welfare of California residents as well as worker safety because properly trained licensees help to keep consumers and the licensees themselves safe from disease and injury.
- This regulatory proposal does not affect the state's environment.

Specific Technologies or Equipment

This regulation mandates the use of specific technologies or equipment. Such mandates or prescriptive standards are necessary because barbering, cosmetology and electrology requires that its practitioners be familiar with the specialized tools and equipment required under this proposal.

Consideration of Alternatives

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

Eliminate cosmetology school equipment requirements: This option was rejected because it could lead to the lowering of standards at some cosmetology schools, which would jeopardize student training.

Maintain the Status Quo: This option was rejected because it would perpetuate an unfair circumstance in which only cosmetology schools are required to keep and maintain a specific level of equipment.