

DRAFT
**CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY**

**SPANISH LANGUAGE EXAMINATION
TASK FORCE**

Minutes of Meeting
January 22, 2019

Board of Barbering and Cosmetology
2420 Del Paso Road
1st Floor, Sequoia Room
Sacramento, CA 95834

BOARD MEMBERS PRESENT

Lisa Thong

BOARD MEMBERS ABSENT

Steve Weeks

TASK FORCE MEMBERS PRESENT

Robert Bayles
Sean Colton
Guadalupe Maria Fernandez
Glen Forman
Bob Gross
Tracy Montez, Ph.D.
Lee Schroeder, Ed.D.
Irene Wong-Chi

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Michael Santiago, Board Legal Representative
Carrie Harris, Board Enforcement Manager
Marcene Melliza, Board Analyst

1. Agenda Item #1, CALL TO ORDER / ROLL CALL

Kristy Underwood, Executive Officer, called the meeting to order at approximately 10:00 a.m. and asked members of the Spanish Language Examination Task Force (Task Force) to introduce themselves.

2. Agenda Item #2, EXECUTIVE OFFICER'S OPENING REMARKS / GOALS OF THE TASK FORCE

Ms. Underwood stated the agenda was intentionally kept brief to allow for more in-depth discussion on today's topic. Spanish test takers have consistently had a considerably low pass rate for the cosmetology examinations. The Legislature has been focused on cosmetology for many years and has asked the Board to look into this issue, which it has been doing for quite some time.

Ms. Underwood stated the Review of the Low Pass Rate of Spanish Written Examinations report, which was included in the meeting packet, has recently been submitted to the Legislature as part of the sunset review process. She stated this issue will be a hot topic when the Board presents testimony at the Legislature in March or April of 2019.

Ms. Underwood stated staff has been pulling data on this topic for many years seeking to pinpoint the issue to a pattern – school, geographic area, or area of the examination – but no patterns have been revealed.

Ms. Underwood stated a large number of individuals from out-of-state have failed the Spanish examination and the number of in-state applicants and apprentices who have failed the Spanish examination are even. She stated many students who choose to take the examination in Spanish have not been trained in Spanish. She stated “out of country” has a higher number than the rest of the categories.

Ms. Underwood stated five out of the top ten highest-volume schools or apprenticeship programs with the most students who failed the Spanish examination are apprenticeship programs. Four of the top ten are private schools. Of those four, one has a higher number than the rest and it is not approved to teach in Spanish.

Ms. Underwood stated the concern that students are being enrolled into schools when it is known that they will not pass the examination. She stated apprentices are required to have a tenth-grade education and there are concerns that that is not happening in some schools.

Ms. Underwood stated the first thing the Board did was to ask the National-Interstate Council of State Boards of Cosmetology (NIC) to review the translations of the examination. This was done a couple of years ago. The NIC’s translation guide has been provided to all schools and is posted on the Board website. No changes were noted after this was done. Language was added to the applications that is translated into the most universal language. No changes were noted. The Board has talked to many students who took the examination in Spanish and failed. These students say they would take the examination again in Spanish.

Ms. Underwood stated there used to be a type of the examination scoring method many years ago that was a combined method. She asked if Spanish test takers would benefit from a weighted average type of scoring.

Ms. Underwood stated there was new data that was pulled that is interesting and is included in the meeting packet, which is the average age of the Spanish test takers. The average age of Spanish test takers is 38 to 40 years old.

Ms. Underwood stated the Task Force has the ability to make recommendations to the Board. The Board meets in February.

3. Agenda Item #3, DISCUSSION AND REVIEW OF:

- ***CA Board of Barbering and Cosmetology Report – Review of the Low Pass Rate of Spanish Written Examinations Report***
- **Examination Statistics**

Ms. Underwood suggested beginning the discussion with apprentices. She asked about the Apprenticeship Sponsor Committee's responsibility to ensure that individuals who they enroll into their program would be able to pass the examination.

Glen Forman, Deputy Chief, Division of Apprenticeship Standards (DAS), Department of Industrial Relations, stated it is part of the selection process. He stated there is no pattern out there. He stated it would be helpful for students to be instructed in the same language as the examination.

Ms. Underwood asked if there is a regulation or law that specifies that information. Mr. Forman stated there is not unless they put it in their standards. He stated the DAS could specify certain things that go into the standards.

Ms. Underwood asked for input on apprentices and raised the question about the tenth-grade education requirement.

Guadalupe Maria Fernandez, Owner, Beyond 21st Century Beauty Academy, stated the apprentices are not supervised correctly. She asked who teaches them the theory part, who is maintaining satisfactory academic progress (SAP) at least on that part, and how students are being helped. She stated she has met a few apprentices who end up going back to school because their sponsor did not give instruction or supervision. They were on their own.

Ms. Fernandez stated a tenth-grade education is not enough to be accepted at an accredited school. Students with high school diplomas comprehend better. She stated she has encountered individuals with a tenth-grade education who cannot read or write. This is about money. There is a problem in that some salons take in apprentices for their payments and leave them on their own with no supervision. She stated, speaking from her Spanish-speaking background, Spanish-speaking individuals do not want to read. They do not want to study. She stated the need to build pride in individuals for them to say they will study, but it is difficult. She stated older individuals do not want to study and they are being lied to. Schools accept them and tell them not to worry about it, so the older students do not study. There should be regulations to investigate schools with low Spanish pass rates.

Bob Gross, owner of six beauty schools in Southern California, stated he supported the apprenticeship program when it was first coming out. The apprenticeship program was putting many more requirements into it then, but it has morphed into a horrible situation. Students are being told one thing, they pay \$2,500 to \$4,000 to rent a booth somewhere, and then are told they need a license. A loophole was found in the apprenticeship program to make money, but, at the end of two years, that apprentice will find out they are not going to be a barber or cosmetologist because they have not been prepared to take the examination. Instead, they spent two years renting a booth.

Mr. Forman stated that student should not be renting a booth. Mr. Gross agreed, but stated new shops are opening all the time in Southern California. He stated the students are the ones that lose because they are paying hard-earned money but are being told something that is not true.

Mr. Forman stated this is the only occupation where people can get away with this.

Public Comment

Pamela Lockrem, Sponsor, Wham Hair Studio Barber Cosmetology Apprenticeship Program, agreed with Ms. Fernandez that the educator is someone who is licensed but may not necessarily know how to teach. This is most important with the apprenticeship programs. Also, the Train-the-Trainer program teaches that not everyone learns the same. Language does not matter; what matters is the learning type. Everyone learns differently. It is important to provide structure. She stated she has seen that it is not always that individuals cannot learn, but that they need to apply themselves to learn. Not wanting to open the book is not limited to one culture.

Ms. Fernandez stated she is sad that her academy does not have a cosmetology instructor license due to the difficult situations it can cause such as teachers who do not know how to teach, which sets students up for failure.

Ms. Lockrem stated the Board makes it easy with their written materials about the different areas and general science of hair, skin, and nails and what to study. The question is if the Milady, Pivot Point, or Salon Fundamentals Spanish text interpretations are similar to the NIC written examination interpretations.

Lee Schroeder, Ed.D., President, Schroeder Measurement Technologies, stated there are different people working on interpretations. Examination items or questions are developed using subject matter experts from around the country who manage or facilitate that process. All questions are newly written for the purpose of becoming part of an NIC examination. These items are taken to a translator who is certified to translate in the courts. They do that interpretation according to certain parameters, including a neutral translation that does not include terms that would be ambiguous across dialects. This process is independent of textbook publishers.

Ms. Lockrem asked how different the examination questions would be if an apprentice memorized one of the three approved textbooks, as an example.

Tracy Montez, Ph.D., Chief, Division of Programs and Policy Review, Department of Consumer Affairs (DCA), stated the textbook development process is called adaptation, where the text is first translated from English into another language and then it is translated back to ensure that each phase is a correct interpretation. It is important to keep in mind that, when schools give practice tests from questions out of the textbooks, they approach it differently. Schools tend to ask knowledge-based type memorization questions, whereas for occupational licensing examinations, the questions are more complex to test if the students not only comprehend something but if they can apply it. That is seen across all professions in the DCA. It is important that students focus on learning the occupation, not just passing the examination.

Gary Federico, Federico Beauty Institute, stated the way that the examinations are written and the way the questions are stated in the textbooks are similar and dissimilar at the same time. He asked about the possibility of contacting textbook companies to make the questions more consistent with the NIC examination questions.

Ms. Lockrem agreed and suggested sharing the neutral translation approach with textbook companies. She stated she spoke with the West Coast manager of the Milady textbook about the vocabulary list in multiple languages and they were excited to see that and are open to working with the NIC and whoever creates the examinations. She stated the apprenticeship program is the right place for certain individuals but it is not meant for everyone. It is important for apprenticeships not only to educate on the salon with theory and demonstration, but to also teach skills similar to a traditional school. She provided the example that apprentices who will be practicing perms also study the chapter on perms so the context makes better sense. It is also important to help students make the association between infection control and sanitation, disinfection, and sterilization and the FDA, EPA, and the Board. Those associations help students understand why they need to know this information so it makes more sense.

Dr. Montez stated she sees parallels with supervised experience of the apprenticeship programs and other occupations, where there are great supervisors who do the teaching and explaining but also others who just sign off. Those students fail because their teacher just signed off. The Board relies solely on the examination to catch everyone. She stated the importance that every hurdle in the process to licensure needs to be defensible and have merit. She stated the concerns about the apprenticeship program should be tightened up to eliminate the signing off on supervised hours.

Ms. Underwood stated one of the largest issues during inspections is finding apprentices completely alone with no supervision. She stated her concern that there currently are no requirements for trainer qualifications or salons. She stated common issues are trainers who consistently sign off on apprenticeship applications and establishment owners looking for cheap labor. She suggested a reform such as a earn-while-you-learn program, which is what the apprenticeship program was intended to be. There are larger issues than the Spanish pass rates for apprenticeships. The fact that there are five apprenticeship programs putting through a high number of applicants who fail is a telltale sign of that.

Fred Jones, Legal Counsel, Professional Beauty Federation of California (PBFC), stated salon owners are looking for more licensees and there have been over fifty school closures over the last five years in California – eleven this past year alone. There is an underlying problem that goes beyond the Spanish pass rate issue but has only been referenced once – booth rental. Conservatively, 80 percent of salons are booth rental. By definition, the salon cannot exercise control over individuals earning a living in that salon. He stated what he heard from the DAS is that they acknowledge this problem but they have a tough time enforcing it. He stated, if most apprentices are sent into booth-rental-based salons, by definition there is no education allowed.

Dr. Schroeder stated those salons should not even be registered.

Mr. Jones agreed. In theory, apprenticeships can work in employer-based salons. It cannot work and is illegal in a booth-rental salon. He asked how many apprenticeships are utilizing booth-rental-based salons. If the Board does not understand that issue, everything else is suspect. He highlighted

Ms. Underwood's comment that half of the ten worst-performing Spanish candidate sources are apprenticeships. He asked what the percentage of the 26,000 to 30,000 examinations given per year come from the apprenticeship program.

A staff member stated the information included in the meeting packet on the Spanish rate listed by out-of-state, out-of-country, and apprentice may help answer that question.

Mr. Jones stated the figures in the meeting packet are just for Spanish test takers. He stated his point was of the overall number of tests being administered, if only two percent are apprenticeships, maybe one-half of the problem sources for the Spanish comes from apprentice. There is a disproportionality here. It is a small percentage of overall test candidates, and yet, apprenticeships are producing half the problem. Part of the problem is the booth-rental phenomenon.

Mr. Jones stated, if DAS's laws cannot be enforced or it cannot be ensured that apprentices are covered through workers' compensation, that they have an employer, or have a trainer, from an association standpoint, maybe apprenticeship is not a viable means of preparing students for licensure.

Mr. Forman stated DAS requires the apprenticeship committees to ensure apprentices are not in booth-renting situations. It is technically the committees' responsibility.

Ms. Underwood stated the Board does not collect worker's compensation information and does not differentiate between booth-rental and non-booth-rental salons.

Ms. Lockrem stated standards require her to gather copies of paycheck stubs and worker's compensation information. Wham Hair Studio is working to open a salon to show other salon owners how they can benefit from hiring an apprentice. She stated she is trying to work with other salons to implement this.

A Task Force member asked if the paycheck hours total the apprenticeship hours that the apprentice would receive for that month.

Ms. Lockrem stated there is on-the-job (OJT) training, which is a monthly time card. The key is that the apprentices know their responsibilities.

Ms. Underwood asked what can be done if a sponsor is found to have a high failure rate. Mr. Forman stated DAS evaluates or audits programs with less than a 50 percent graduation rate. Apprentices who complete the program receive a certificate of completion from the DAS, but the DAS does not know when they pass the examination. He suggested requiring an examination certificate from the Board prior to issuing the DAS certificate of completion to the apprentices.

Ms. Lockrem stated her proof of training to show that the apprentice fulfilled all the requirements is somewhat the same with the hours and related supplementary instruction for the two-year period. She stated once she completes her proof of training, she completes the proof of training for the DAS and sends it to her consultant.

Ms. Underwood stated those are two separate things by the Board's statutes and the DAS's statutes.

Lisa Thong, Board Member, suggested that something could be done to align the Board with the apprenticeship program. She asked how the Board tracks the number of programs that are teaching in Spanish because, according to the survey of the students who took the examination, approximately 40 percent were taught the curriculum in Spanish. Ms. Underwood stated the Board does not track that. Schools are approved through the California Bureau for Private Postsecondary Education (BPPE) for teaching in a specific language. Staff has access to those numbers through the BPPE website. This does not include apprenticeships.

A Task Force member asked if the DAS looks at language. Ms. Underwood stated they do not. She stated the BPPE approves schools for a specific language.

Ms. Thong asked what the pass rates are for the schools that are teaching the curriculum in Spanish compared to schools with students who are taking the examination in Spanish. She asked the NIC about the grade level of the translations for the examination. Dr. Schroeder stated the examination is targeted at tenth grade.

Ms. Thong stated she would like to hear from a Spanish language expert on that. She stated court-certified interpreters say they translate at a fourth- or fifth-grade level. It seems that there is not an issue with the Vietnamese examination pass rate. She stated she would like to know if lowering the grade level of the translation of the Spanish examination would make a difference. She noted that the assumption is that English-speaking students can read at a twelfth-grade level and yet the examination is at a sixth-grade level.

Ms. Fernandez stated she, too, has questions about the translation. She stated, although she has not tested students in Spanish for years, her last student that took the examination in Spanish did not pass. Her student told her the questions were very different from the way she speaks. She stated it was at that moment she promised herself that she would not allow her students to take the Spanish examination. She stated the examination should only be in English. She stated she teaches her students to take pride in their education and not only learn the career but learn the language. She stated the way the examination is translated is a big problem.

Ms. Underwood stated, of the top-ten schools, the worst offender is a school that is not approved to teach in Spanish with 69 percent of their applicants not passing the Spanish examination.

Ms. Thong stated the need for alignment of the Board and the DAS on passing the examination and passing the program because it seems it currently is out of sync. She asked about the textbooks being used at the schools that are teaching in Spanish, the grade level they are written in, how they match with the NIC testing, and if those textbook companies are working with the NIC in terms of aligning what is in the textbook and what is on the examination.

Ms. Underwood stated her understanding that the NIC works with national textbook companies. She asked what the BPPE does when students are not passing the examination. Robert Bayles, Education Administrator, BPPE, stated the BPPE requires school performance inspections. The results are reviewed annually but there are not regulations to set a minimum threshold. The BPPE monitors the schools that have low

pass rates in comparison with other schools with the same types of programs and considers that in determining whether or not to complete a compliance inspection or the BPPE looks deeper into what the school is doing.

Mr. Gross stated all private schools have standards of completion, and licensure, employment, and loan default rates. He stated his schools do not teach in Spanish, even though there is a large Hispanic population. One or two students over the years have chosen to take the examination in Spanish. He stated his students' pass rates went down when the grading changed. He suggested going back to the way the examination is supposed to be graded and see what happens. Follow the law. It is 400 points, 300 to pass, and consists of written and practical portions. 80 percent of the students' time in his beauty schools is spent on practical skills, 20 percent on written skills, and students are tested every week. His failure rate across the board happens on the written side, whether Spanish or not. He suggested combining the test, simplifying the system back to what it was. He stated the need to realize this is a vocation, not a test to graduate college.

A Task Force member stated her understand that Mr. Gross is referring to going back to the scoring where the practical was given greater weight than the written. The problem that was occurring was that individuals would fail the written part – they did not know the health and safety issues. There is not a sufficient way to test all health and safety; that is why the change was made. She asked if the Board would be comfortable with an individual who can pass the examination by applying skills but may not have the understanding or comprehension of health and safety. That was the way the exam was scored before. There is no doubt that the pass rate will increase if the practical is weighted more heavily, but the question is if the Board is comfortable with a high pass rate knowing that critical information regarding health and safety may not be learned by those students.

Ms. Fernandez stated there must be a balance. Students must understand health and safety and be able to read. She stated that is why she suggested that all students must pass the examination in English.

Ms. Underwood stated she did not believe there is a way to move away from translated exams.

Mr. Jones suggested including the English translation for every Spanish question on the examination.

A Task Force member stated it can be done but it would have to be done for all languages and more time would have to be allotted. It must be a level playing field.

Ms. Underwood stated staff looked into that and it is not currently in the contract with the computer-based testing company to do side-by-side languages. A Task Force member stated that could be something asked for in the new contract at the end of this year.

Mr. Gross stated one thing that is being criticized on the practical exam is that it is weighted too heavily on safety and sanitation. The only thing that has changed from 20 years ago is trying to drill down on an examination at the expense of the students and creating more unlicensed activity than under the old system.

A Task Force member suggested removing the written portion and including a more comprehensive practical that allows for question and answers as well as demonstration to test the health and safety and the skill development. Shift the resources that go to the written to the practical.

Ms. Underwood stated barbers had a combined examination when she started at the Board and they were failing the written and yet still getting licenses.

Ms. Fernandez asked if it is right to lower the standards because there are individuals who do not want to study. She stated the standards should be raised because individuals who want to pass will study.

Mr. Jones suggested dropping the term “aggregate scoring” and instead talk about a “weighted formula.” B&P Code Section 7338 has been on the books for decades. Policy makers have already said this is a vocation that is hands on and what needs to be approved in a licensing exam so that, when individuals are applying their trade, they do it safely. That is the minimum competence requirement by the state Board for licensing.

Mr. Jones stated the law also states that the practical shall prevail. Aggregate scoring may not have been the best but it was in compliance with the law and, until another weighted formula is created, this Board is out of compliance and out of step with the realities of this industry. The practical exam is health and safety. The proctors grade students almost entirely on whether students followed the safety protocol. Policy makers have already ruled on this. It is incumbent upon this Task Force and the Board to figure out how to get back into compliance. He suggested that, if a weighted formula is moved to where the practical prevails, the subgroup that will benefit the most will be the Spanish test takers. Their scores show they have the skill sets to be successful in the industry, they just do not have the written literacy that the other subgroups have. If this Spanish pass rate issue is not figured out, the Latino Caucus will come down on this Board hard and the sunset review is in two months.

Ms. Thong stated her understanding that the scores for Spanish test takers is not just an issue for this Board but is an issue for other license categories, as well. She asked if this is an issue in other industries. Ms. Underwood stated other departments have the same issue with translations. They translate at a much lower level than tenth grade.

Ms. Thong stated she felt the conversation has moved away from the issue at hand. Other language categories have an acceptable pass rate, which means that the examination is fine. The Spanish pass rate is the issue; it is a barrier to entry. She stated she did not agree with lowering the standard. It will not help address the issue with Spanish language test takers. She stated the assumption that Spanish test takers are equally capable of passing this test. The issue as a Board Member is to figure out why they are not passing the examination at the same level as everyone else, to accurately assess that, and not to make adjustments for that demographic simply to make it easier for them. At the end of the day, the Board’s purview is consumer protection. Changing the standards of the testing does not help that mission.

Mr. Jones stated a simple data analysis testing the impacts of a weighted formula on Spanish test takers compared to other subgroups could help alleviate concern. If the Spanish test takers are the only group disproportionately being benefited, then everyone else is not necessarily being impacted. Two years ago, the biggest problem was unlicensed activity. Individuals who failed the exam would go to work nonetheless or they would continue being apprentices. The biggest concern that the Board should have today is maintaining licensure oversight of this industry. That has shifted everything so that he is met with talking points such as the misunderstanding that students must take two licensing exams or that students go to school three times longer than emergency medical technicians. When they hear about the Spanish test rate, it will not be good because their primary talking point is social justice. He stated he is looking at this through a political prism because the Spanish passage rate is an existential threat in the overall picture. Going back to one score will remove one of the talking points. If one group is helped by moving to a single score or another way to formulate that, it will relieve that potential political pressure.

Ms. Fernandez stated the biggest problem is schools that enroll students who do not care. She stated she lets her students know before their applications are accepted that they will be learning the material in English.

Ms. Underwood agreed. She stated schools are taking money but their students are not passing the test. The Board does not see the students until they apply to take the test. The Board has been partnering with the BPPE on joint inspections over the last year, but the issue is more of a BPPE issue where individuals are allowed in when the schools know they will not pass the test. Another issue to keep in mind is that some of the schools with the highest pass rates are the worst performing schools, meaning they are usually selling hours.

Ms. Fernandez stated those schools train the students to take the test. Ms. Underwood stated it is unfair to those students who become licensed, get out into the industry, and then are cited because they do not know basic health and safety regulations.

Mr. Jones asked if the Ability-to-Benefit (ATB) Examination is a state requirement or a National Accrediting Commission of Career Arts and Sciences (NACCAS) requirement.

Mr. Bayles stated it is a BPPE requirement. If the student does not have a high school diploma or a GED, then they are required to be given the ATB Examination.

Mr. Jones asked how BPPE verifies that the student has a GED or a high school diploma or if the school does the verification and BPPE takes their word for it.

Ms. Fernandez stated the diploma or certificate has to be in the file. She stated she uses Veri-Tax to verify that the information submitted by students as part of the enrollment process is correct.

Mr. Jones asked if the BPPE sees the ATB Examination results in the files.

Mr. Bayles stated the BPPE sees the results in the student files.

Ms. Fernandez stated her school no longer does ATB Examinations.

Ms. Underwood stated there is a big difference between accredited and nonaccredited schools. She asked if the tenth-grade education level question is a yes/no checkbox on the application or if that information is verified. She asked who is responsible because the Board does not check that information. The Board looks for a signature, signed under penalty of perjury, that the student completed tenth grade.

Ms. Fernandez stated the auditors from the Department of Education check that information.

Mr. Bayles stated the ATB Examination is in lieu of a high school diploma.

Ms. Underwood asked how to recognize fraudulent information. Mr. Gross stated it is random. Accredited schools are audited annually but non-accredited schools are only audited when a complaint is raised.

Mr. Jones asked if ATB Examinations are offered in Spanish.

Mr. Bayles stated a Combined English Language Skills Assessment (CELSA) is designed for non-native English speakers, which is DOE and BPPE approved.

Ms. Underwood asked how that would be enforced. The Board does not and the BPPE looks at files. It seems it would be hit-or-miss.

Mr. Bayles stated part of the issue is, when a school applies for approval, they tell the BPPE everything the BPPE wants to hear. They supply a copy of their catalog, talk about the exam they are administering, and minimum passing score. The issue is, once the school is approved, the BPPE may not return for a couple of years. There is a time period where the BPPE could have been told one thing while the school actually is doing something different. The BPPE is mandated to review each school at least twice within a five-year period – one announced. the other unannounced. These are the methods the BPPE uses to ensure compliance. Quite often, the BPPE finds things that are inconsistent with what the schools said they were going to do on their application. The BPPE then takes action. The ATB Examination is something the BPPE looks at during their review. The BPPE looks at each students' file and the basis of admission. There are times that the BPPE finds documents from unreputable high schools. In those cases, there is not much the BPPE can do because the school believed that document was authentic. There are opportunities for improvement.

Mr. Jones asked if the Memorandum of Understanding (MOU) with the Board states the BPPE cannot go after a school for a fraudulent high school diploma, but it could do something with the Proof of Training (POT) for the student.

Mr. Bayles stated the BPPE has been working on an MOU that expands what it does and enhances cooperation. He stated Board schools have been one of the highest priorities for the BPPE over the last couple of years.

Carrie Harris, Board Enforcement Manager, stated the discussion is not about Spanish pass rates across the board but is specifically about cosmetology. She stated Spanish test takers are doing better on the barber, manicure, and esthetician examinations. The cosmetology exam has part of all three of those categories. She stated the question is, if they are doing well on the other three exams, what it is about the cosmetology exam that is making the difference.

Ms. Fernandez agreed that it does not make sense, especially because the hours for barbering are almost the same as cosmetology.

Ms. Underwood stated the barber written exam Spanish test takers had a pass rate of 57 percent, whereas, cosmetology was 34 percent.

Mr. Jones stated another big difference is in the numbers of students taking those exams.

Ms. Lockrem stated the reason students involved in the selling of hours test better is because they are memorizing the text. In the apprenticeship program, students are taught how to do this. Evaluations are done to pinpoint students who are not testing well to learn why they are having trouble. She asked what can be done to enforce the emphasis of study.

Ms. Underwood agreed. She stated the Board has gone to the Legislature for the past fourteen years asking for sole oversight of schools. There is currently dual oversight with the BPPE. The Board's oversight of schools is very limited.

Ms. Underwood asked for input on the side-by-side language testing. Mr. Colton suggested using the term "toggle" as opposed to "side-by-side."

Ms. Fernandez stated a toggle test would be beneficial because the way the Spanish is translated it difficult for the students.

Ms. Harris asked, if Spanish cosmetology students do poorly on the manicure and esthetician portions of the course, if they can still graduate the cosmetology program. She stated most cosmetology majors just want to do hair. Perhaps they are not spending enough time studying the other portions of the course that do not pertain to their future careers. She asked if there is a way to learn the type of questions that are being failed more often than others. Ms. Underwood stated the Board did a report on that and found it was even across the board.

Sean Colton, Vice President, Schroeder Measurement Technologies and NIC Task Force member, asked if the statistics are for individuals who take the test one time and, if taken more than once, they pass on the second try. Ms. Underwood stated they do not. The data did not show that they took the first exam in Spanish and the second in either Spanish or English. There were many students who continued to fail and continued to take it in Spanish.

Mr. Colton agreed with Ms. Fernandez that the translation may be the problem.

Ms. Underwood stated the Board asked NIC to review the translation and they found no statistical evidence that the translated exam items were flawed.

Mr. Colton stated this has been looked at from a couple of points of view. One is the translation from the standpoint of taking it to educators who were teaching in Spanish and asking them about the translation. No negative feedback was given. It was looked at recently to characterize how the translation was done and that is where the translators described it as attempting to eliminate terms which differ according to dialect so that it was neutral. It has also been looked at statistically. Statistically, there is the concept of bias in a statistical sense, meaning that, for individuals characterized as being at the same ability level but one speaks Spanish and the other speaks English,

does the test favor one group over the other. It is an item-response theory concept where the probability of giving a correct response as a function of the person's proficiency was looked at. If the probability of a correct response is higher than different ability levels for individuals who are taking the test in English as compared to Spanish, it would be said was biased in favor of English speakers. The test was reviewed at the item level. It was found that there were as many items that were biased in favor of Spanish speakers as there were biased in favor of English speakers. No items were found that exceeded the threshold.

Mr. Colton stated what the NIC found was that, in fact, the Spanish test was easier than the English from a translation point of view; however, the individuals taking the test were more heavily weighted on the low end of the proficiency scale if they were Spanish. And the individuals taking it in English were more heavily weighted on the higher end of the proficiency scale. That is why the report stated no statistical evidence was found in the data looked at or bias.

Dr. Montez stated the difficulty of finding patterns is what makes it so challenging. She agreed with Mr. Jones that, from a political perspective, it appears that the prior administration was looking at reducing barriers to licensure. It is important to be sensitive to that. It is also important not to reduce the standards, but to create solutions to ongoing problems or situations. She reiterated her suggestion to look at both the practical and written, not to reduce standards, but to try to find creative ways to ensure that the amount of education and requirements to sit for the licensing exam are defensible and that the exam is entry-level and tests at the appropriate grade level. The Board may have to rethink things in addition to answering the question of why Spanish test takers fail at a higher rate. She stated she likes the fact that it can be jointly affirmed that the exam is fair, valid, and legally defensible, but there may be other things that need to be tightened up to address this issue.

4. Agenda Item #4, RECOMMENDATION TO BE MADE TO FULL BOARD FOR APPROVAL

Ms. Underwood stated she would like to report today's discussion points to the Board in February. She summarized the Task Force discussion:

- The Board will work with DAS about the Board issuing the license as opposed to the completion of the apprenticeship program.
- The Board will work with the NIC and OPES to come up with a data analysis on what it would look like to apply a different scoring method to the exams. She stated Board Member Weeks had asked to bring to the table what else can be looked at for the data, analysis, and scoring of the written examinations. Staff will put data together to present to the Board.
- Staff will bring up the option of toggle testing.
- Student enrollment reported to the Board is something that can be looked at to monitor the students right away and to provide the students with information. There are schools that do not tell their students that a test is required to be licensed.

Ms. Thong asked staff to look at whether a translation at a lower grade level would impact scoring.

Ms. Underwood stated the data shows overall license types that the majority of individuals fail the written test by one to five points. The Spanish cosmetologist exam data shows that 37 percent are failing within one to five points.

Ms. Thong asked if students who are passing the barber, manicure, and esthetician exams are coming from different schools versus testing for the cosmetologist exam.

Stephanie Whitley, Division of Investigation, DCA, stated cosmetology would be the hardest test to pass overall. She asked if cosmetology is typically the highest failure rate in comparison.

Ms. Underwood stated cosmetology is the lowest pass rate for all languages. It is in the 60th percentile when all languages are taken together. The Spanish issue has been historically 30 to 35 percent. The idea to begin tracking it separately by language came up after going to the national written exam.

5. Agenda Item #5, PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

No members of the public addressed the Task Force.

6. Agenda Item #6, ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 12:15 p.m.