

**CALIFORNIA STATE BOARD  
OF  
BARBERING AND COSMETOLOGY**

**LICENSING AND EXAMINATIONS COMMITTEE MEETING**

**MINUTES OF JUNE 13, 2022**

**COMMITTEE MEMBERS PRESENT**

Derick Matos, Chair  
Jacqueline Crabtree  
Tonya Fairley  
Yolanda Jimenez

**STAFF MEMBERS PRESENT**

Kristy Underwood, Executive Officer  
Carrie Harris, Deputy Executive Officer  
Sabina Knight, Board Legal Representative  
Allison Lee, Board Project Manager  
Marcene Melliza, Board Analyst

**COMMITTEE MEMBERS ABSENT**

Steve Weeks

**1. AGENDA ITEM #1, CALL TO ORDER/ROLL CALL/ESTABLISHMENT OF QUORUM**

Executive Officer, Kristy Underwood, called the meeting to order at approximately 11:08 a.m. and confirmed the presence of a quorum.

**2. AGENDA ITEM #2, ELECTION OF COMMITTEE CHAIRPERSON**

Ms. Underwood stated that Board Policy allowed a member to be the chair of one Committee at a time. Derick Matos and Yolanda Jimenez were the only ones legible to run for the Licensing and Examinations Committee Chair.

Ms. Yolanda Jimenez moved to nominate Derick Matos as Chair of the Committee. Ms. Crabtree seconded. Mr. Matos accepted the nomination. Motion was opened up for public comment. No public comments were received.

Motion to nominate Derick Matos as Chair of the Licensing and Examinations Committee carried; 4 yes, 0 no, and 0 abstain, per roll call vote as follows:  
The committee members voted "Yes": Jacquelyn Crabtree, Tonya Fairley, Yolanda Jimenez, and Derick Matos.

**3. AGENDA ITEM #3, REVIEW AND DISCUSSION OF SPANISH LANGUAGE EXAM PASS RATES**

Ms. Underwood stated that the Spanish language exam pass rates had been an ongoing issue for the Board. When the Board moved to the BreEZe system in 2013, they got more reporting capability. That is when it was noted that the Spanish pass rate was low. Staff has done extensive research to determine the causes of the low pass

rates. One reason they found was that many Spanish-speaking people would take the test in that language even though they did not attend a Spanish-speaking school. This was also the case with many out-of-country applicants.

The computer-based exam was changed several years ago to display both English and Spanish languages. Ms. Underwood reported that staff had spoken with the exam vendors and their translators. They also developed a translation guide posted on the exam site, and students are informed of its availability. Still, no significant improvement was seen in the pass rates.

The apprentice program was noted to impact the Spanish pass rates significantly. However, many Spanish-speaking apprentices did not pass the tests. Staff was therefore looking for ways to improve apprentice program training. They had also spoken with some schools that taught Spanish and have now chosen to teach English only to improve the pass rates. Ms. Underwood stated that staff had also spoken to some Spanish-speaking speakers at the Mexican Consulate. She hoped that with the new members, the Committee might offer additional insights on improving the pass rates.

Ms. Fairley pointed out that the Arizona Board of Barbering and Cosmetology does not offer Spanish translation. She inquired about their pass/fail rates since they only offer the examinations in English. She also asked about the ratio of Spanish-speaking instructors in the apprenticeship programs. She stated that some schools do not have Spanish-speaking instructors even though they have Spanish students. Ms. Underwood stated that the Board did not have oversight over the instructors. The Bureau of Private Post-Secondary required that an instructor have at least three years of teaching experience in the topic they would be teaching. There were no language requirements.

Ms. Fairley pointed out a gap between the apprenticeship program and the Board that should be bridged to help the students effectively. She indicated that the two entities needed to work together since there was no need for the Board to collect the data if they could not help the program attain better scores. Ms. Underwood stated that to bridge that gap, the Board had meetings with the Division of Apprenticeship Standards, which oversees the apprenticeship programs, and with the Bureau of Private Post-Secondary Education, which oversees schools.

Ms. Underwood stated that staff would look into the pass/fail rates of the other states. She mentioned that it was common practice for other states to offer their exams only in English. Many candidates came to California to take their exams in other languages such as Vietnamese, Korean and Spanish. The Board included this information in its certification letter because the students who had taken tests in other languages were made to take the test in English when they went to other states.

Ms. Underwood mentioned that Texas offered Spanish, but their pass rates were low. Ms. Fairley stated that more focus should be on states that offer exams only in English.

If their pass rates were high, that would indicate that the Spanish-speaking students understood the teachings better in English.

Chair Matos stated that another hindrance to the pass rates could be eliminating the practical exams. He pointed out that some students passed more practical exams than written ones. He also agreed that other factors contributing to the low pass rates could be translation and the fact that some schools only taught English. Chair Matos also acknowledged the need to bridge the gap between the different agencies. He believed that there needs to be more push for collaboration. Ms. Fairley added that with the many agencies involved in the issue, each might be pushing for a different agenda that does not benefit the students. She stated that the Board needed to determine what was not working to remove it.

Ms. Crabtree asked how long the Board and the apprenticeship program had been separated. Ms. Underwood stated that the two had never been under one department. The Division of Apprenticeship Standards was not under the Department of Consumer Affairs (DCA). It was under the Department of Industrial Relations.

Ms. Underwood believed that the work the Board was currently doing with the apprenticeship program would improve these issues. It was a regulation package that might take a long time, but the Board was pushing for it. She further stated that over 40 apprenticeship sponsors are currently operating as schools. These do not fall under the Bureau of Private Post-Secondary – they operate independently.

Ms. Fairley remarked that if the apprenticeship schools were running independently, they might be contributing to the low pass rates since they were not doing what was required regarding education and translation. She emphasized the need to bridge the gap. Ms. Jimenez pointed out that the Spanish language differed in different countries. She indicated that while teaching Spanish-speaking students, she had noticed that students from Mexico spoke Spanish that was different from that of students from El Salvador and the other countries. She felt that that might be one of the factors leading to the low pass rates. Ms. Jimenez also stated that some students who claim to have learned in Spanish were not literate in Spanish. They could speak Spanish but could not read or write in it. She also mentioned that many Spanish-speaking students had interrupted their education. They might have missed several years of education, affecting their literacy and translation ability. Ms. Jimenez further stated that a student who first spoke Spanish and then learned English did not become literate without much effort. She indicated that learning in English and then taking the test in English meant that the students' literacy skills were more vital in English. It was the same as learning Spanish and then taking the test in Spanish. She believed such things should be encouraged, not having the student do both languages simultaneously.

Chair Matos further noted that the report stated that students were required to have a high school education diploma or GED. He inquired if the students were being offered another option since the report stated that they could take the ATB exam if they did not have a high school diploma. Ms. Underwood explained that that had been a

requirement of BPPE. Legislation might have accidentally taken it away when the report was done in 2018. However, there were ongoing discussions about bringing back the requirement. She mentioned that the California applications required a student to sign under penalty of perjury that they have a 10<sup>th</sup>-grade education. No proof was required.

Ms. Underwood further stated that the requirements were different for apprentices and private schools. For private schools, a student is required to have graduated. Ms. Fairley raised concerns over the different requirements for different agencies. She felt that the requirements should be standard across the Board. She further stated that since the role of the Committee is to protect the consumer, the Committee should determine the obstacles that should be removed and changes that should be made to ensure that a person gets the proper education.

Chair Matos proposed that the next steps for the Committee should be to create a framework that highlights the issues and the solutions that the Committee came up with. They could then discuss these with other departments to devise possible actions. Ms. Underwood indicated that the Board had already approved new apprenticeship regulations that strengthened the trainers and their establishments. The trainers will be getting on-the-job training to strengthen their skills. Ms. Underwood also stated that one staff member had been appointed to the apprenticeship program. She will be dedicating all her time to the program and will be dedicated to looking at the issues raised. She further pointed out that the Division of Apprenticeship Standards, the Bureau of Private Post-Secondary, and the Local Education Agency (LEA) did not track the pass/fail rates. Staff had spoken to the agencies about the sponsors that did not have students passing the exams.

According to Ms. Underwood, the agencies were concerned because they were the ones delegating the federal funding. The agencies are tasked with proving the related training. The Board was looking to meet with them to work out their roles. Ms. Fairley wondered why schools that had no passing students were still allowed to continue as apprenticeship programs. In response to Ms. Fairley, Ms. Underwood stated that past Boards raised these issues continuously over the years. The major problem identified was multi-departmental oversights and a lack of communication between the various departments.

Ms. Crabtree pointed out that many fake schools also existed. Chair Matos asked if a local education agency was any entity or agency to which a program could be attached. Ms. Underwood stated that the agency must be within a school district to get federal funding. Chair Matos stated that some apprentice programs were only focused on federal funding. He added that there should be a framework for apprenticeship programs stating that they should have a certain number of students in the program and a determined pass/fail rate. He further stated that the Board had already created the externship program, which requires a student to have about 250 hours before entering an establishment. He also asked if the same could be applied to the apprenticeship programs. He believed that that somehow created a working relationship between the State, the program, and the establishments. Ms. Underwood stated that the Board

would be overstepping its legal authority. She explained that the LEA funds are for an apprenticeship program and all apprenticeship programs must fall under the Division of Apprenticeship Standards. It would take legislation to set a minimum pass rate for the school. Ms. Underwood proposed a discussion on this matter at the next meeting.

Ms. Crabtree inquired about the amount of federal funding per student. Ms. Underwood stated that the schools are getting a dollar amount per hour for every student sitting in their training class.

Ms. Fairley echoed Ms. Jimenez's sentiments that the students should be encouraged to take tests in the language they learned. A Spanish-speaking student who learns English should be encouraged to take the exam in English.

In response to Ms. Crabtree, Ms. Fairley confirmed that the test questions are usually displayed in both English and Spanish. Ms. Underwood indicated that the Board could make recommendations and talk to the schools since their limited oversight. Ms. Fairley inquired if there was any way the Committee could get involved in talking to the schools. Ms. Knight stated that the Committee could give the staff feedback through the Executive Officer, and an appropriate Committee report could be provided.

## **Public Comment**

Fred Jones, with the Professional Beauty Federation of California, agreed that having many agencies has been an ongoing issue. He indicated that the Board had requested the legislature to give the Board sole oversight over beauty colleges for years. He urged the Board to continue asking for it because he believed that answering multiple agencies would eventually lead to students falling between the cracks. This ultimately leads to consumer harm. Regarding aggregate scoring, Mr. Jones stated that the office of Public Examination Services had always wanted to do away with aggregate scoring. It enabled many students to pass since they usually did well on the practical. Mr. Jones stated that the aggregate scoring was abolished several years ago for cosmetology and other subcategories, but the barbering field continued. Therefore, the Spanish language issue was not easily noticeable, especially in the barbering apprenticeship. Mr. Jones stated that his association tried fighting to keep the aggregate scoring because they felt how a student performed their responsibilities to a client was more important than how they performed on the written exams. The association lost the battle, then DCA eliminated the practical exams with SB 803. He also acknowledged that the Spanish language has many dialects. Thus it would be a challenge to have a uniform Spanish language test. He added that many students in Spanish teaching schools opted to take their exams in English since they figured that some words do not translate well in any of the Spanish dialects. He reiterated that the Board should push to get as much sole authority granted by the legislature since he believed that the beauty industry is different. DAS did not fully understand the industry's apprenticeship programs.

Ms. Crabtree asked why the legislature had not given the Board sole oversight over the schools. Ms. Underwood stated that the schools were under the Bureau of Private Post Secondary, which was tasked with the sole purpose of dealing with student issues. On

the other hand, the Board is on the consumer side of things. She reiterated that the Board had asked severally to be given sole oversight and urged them to continue doing so. She added that sole oversight would not be granted with the apprenticeship program because the schools would not receive federal funding.

Chair Matos proposed continuing the discussion at the next meeting while considering Ms. Jimenez's insights. Ms. Underwood mentioned that the discussion on collaborations between the Board and the other agencies might wrap up soon. She will present a report at the next Committee meeting.

Ms. Knight added that the change with PSI would be helpful, too, as the Board will be able to collect some data on specific questions. Ms. Fairley asked if the data would be broken down by school or if it would be overall testing. Ms. Underwood believed it would be both broken down and overall.

Ms. Fairley asked if the information, once received, would be taken back to the schools or BPPE, especially information on schools that performed poorly. Ms. Underwood indicated that the Board had never received such information, but she would inquire if it could be taken back to the schools to help them understand the areas in which the students were failing.

Ms. Jimenez offered to model instructional strategies for teaching English learners that could be given directly to teachers. Ms. Crabtree agreed that the legislature would appreciate such information.

#### **4. AGENDA ITEM #4, REVIEW AND DISCUSSION OF THE OVERSIGHT OF THE EXTERNSHIP PROGRAM.**

Ms. Underwood stated that SB 803 had changed the externship program. She indicated that now, a person could get into a salon through the extern program much quicker and gain more hours in the salon. She stated that the staff was concerned with the number of schools using the extern program over the last three years. The number was at 11 in 2020 and continued to increase drastically. Only two schools utilized the program in 2019.

Ms. Underwood presented a report showing the number of schools that had submitted forms to the Board indicating that they were participating in the extern program. She noted that one school had submitted 28 agreements. She further indicated that even though the Board's authority over the extern program was limited, there could be a way that the Board could issue some regulations in its statutes.

Ms. Underwood mentioned that the Board did not require schools to track their extern hours. The Board only received proof of training that a student had completed the required hours. Before SB 803, most schools were required to have a timekeeping method, indicating the number of hours a student clocked in theory and operations. The practice was eliminated with SB 803, but some schools might still be recording hours.

She further indicated that the increase in the number of schools using the extern program was concerning because many schools submitted agreements with nail salons only. With no way to track or report the extern hours, there was no way to know if the students were completing the required hours.

Ms. Underwood asked if the Committee would agree to a requirement of tracking and reporting the number of externs. Staff could put together the regulations and bring them back to the Committee with a recommendation to strengthen the program's requirements.

Ms. Fairley stated that the increase in the number of schools was not alarming since it had been happening for three years. She indicated that having guidelines and parameters in place would help regulate the program. She, however, felt that the Board should have more oversight with such an expedited program.

Ms. Underwood asked if the identity of the externs should be known to track their pass/fail rates. Ms. Fairley agreed, adding that tracking the hours and the students will enable the Board to curtail the schools that would try to manipulate the system.

Ms. Crabtree agreed that the Board should have some oversight. Ms. Fairley pointed out that with COVID, salons were focused on limiting the number of people in the salon at a time. They might therefore be reluctant to take on externs in a bid to protect consumers and staff. She thus felt that the increase in the number of nail salons taking on externs should be looked into. Ms. Underwood added that the inspectors had also noticed that most salons had only two people working at a time. Ms. Underwood was directed to come up with a framework for regulations on how to regulate the externship program. The Committee agreed that having four people working in a salon at a time is too many. They would look into bringing that number down.

Chair Matos suggested that the regulations clearly distinguish between an employee and an independent contractor. Ms. Underwood confirmed that the distinction was in the regulations.

### **Public Comment:**

Fred Jones, with the Professional Beauty Federation of California, pointed out that even with the increase in the number of schools using the program, less than 5% of schools in California offered an externship program. Additionally, less than 1% of salons and shops had any externs. Mr. Jones stated that SB 803 reduced the number of hours of the curriculum but increased the percentage that could be used for externship opportunities. He mentioned that his association had offered the expansion of externships to legislators as an alternative to reducing the hours of curriculum. However, the legislature had reduced the hours of curriculum and increased the externship percentage. Mr. Jones remarked that that could lead to serious fraud. He, therefore, offered the following solutions: 1) the entire Board should ask the legislature to give it the authority to require that every school send their enrollment data to the

Board within 30 days of students enrolling. This will enable the Board to track and identify schools that are frauds that might be selling hours to the students. 2) Require schools to send in enrollment of all new externs within 30 days of being placed in a salon or shop.

**5. AGENDA ITEM #5, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

No comments were received from the public.

**6. AGENDA ITEM #6, AGENDA ITEMS FOR THE NEXT MEETING**

Items 3 and 4 will be part of the next meeting's agenda.

**7. AGENDA ITEM #7, ADJOURNMENT**

There was no further business to discuss, so the meeting adjourned at approximately 12:20 p.m.