

TITLE 16. BOARD OF BARBERING AND COSMETOLOGY

FINAL STATEMENT OF REASONS

Hearing Date: No hearing was originally scheduled or requested.

Subject Matter of Proposed Regulations: Transfer of Credit

Section Affected: Title 16, Division 9, Article 6, Section 950.10, California Code of Regulations (CCR)

Updated Information

The Initial Statement of Reasons is included in the file; the information contained therein is updated as follows:

During the course of this rulemaking, the Board of Barbering and Cosmetology (Board) did not make substantive revisions to the proposed language.

No public hearing was originally set for this proposal, and none was requested. Board staff noticed the proposed rulemaking on November 10, 2022, with a 45-day public comment period ending on December 27, 2022. The Board received two comments which are summarized below.

The Board reviewed the comments at its January 23, 2023, meeting and approved the responses to the comments without further amendments to the text. The responses to the comments approved by the Board are summarized in the “Summary of, and Responses to, Comments Received During the 45-day Comment Period” section below.

Following discussion of those comments, the Board directed staff to take all steps necessary to complete the rulemaking process including the filing of the final rulemaking package with the Office of Administrative Law, authorizing the Executive Officer to make any non-substantive changes to the proposed regulation and the rulemaking documents, and adopting the proposed regulations as noticed for 16 CCR section 950.10.

Further non-substantive changes were made to the text on April 24, 2023, pursuant to the Board’s delegation to the Executive Officer to correct errors in grammar and word choice including:

- (a) Removal of the word “and” when not being used as a connector,
- (b) Correction of the course title for “hairstyling” course to “hairstyling services” course consistent with how those titles read in the Act and other sections of this proposed regulation; and,
- (c) Changing to the singular “section” instead of “sections” when referring to only one Business and Professions Code section.

Local Mandate

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

Small Business Impact

While the Board does not have, nor does it maintain, data to determine if any of its licensees are a “small business,” as defined in Government Code section 11342.610, the Board has determined that the proposed regulations would not affect small businesses. The Board has determined that the proposed regulation will not affect small businesses because it only concerns what the Board will grant in transfer of credit for students and clarifies the Board’s regulations that take into consideration recent changes to state statutes regarding curriculum content and the applicability of credits to those transfers. It does not require any significant new expense or reporting, recordkeeping, or compliance measures on the part of businesses.

In addition, Business and Professions Code section 7367 mandates that the Board shall grant credit to students who obtain identical training when they change from one program of instruction to another. This proposal merely provides a simple, straightforward method for schools, students, and applicants to determine if prior education earned would be acceptable by the Board as transferrable to a new educational program in accordance with the minimum educational standards set by SB 803 (Chapter 648, Statutes of 2021) and AB 2196 (Chapter 527, Statutes of 2022).

As a result, the regulations do not result in business impacts to the state. Any economic impacts, including costs, savings, or decreased revenues are a result of current law.

Anticipated Benefits

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents. This regulatory proposal will benefit the health and welfare of California residents by clarifying how training credit transfers between programs of instruction and make the transfer of credit process easier to understand for schools, students, and licensees in courses for barbering, cosmetology, skin care, nail care, hairstyling, and electrolysis. This would help ensure that students do not inadvertently incur unnecessary costs and expenses in repeating identical instruction hours that have already been earned at another Board-approved school.

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

The following two (2) individuals/organizations submitted written comments to the Board on the proposed rulemaking during the comment period:

- Bridgette Jordan, Licensed Cosmetologist and Salon Owner
- Anthony Padilla, Salon Owner

Comment No. 1 from Bridgette Jordan: Bridgette Jordan expressed concern over

licensees who wanted to transfer credit from one license type to another (e.g., if a licensed cosmetologist wanted to become an electrologist, etc.). The commenter indicated concerns regarding clarifying transfer and credits for license holders. For example, if a licensed Cosmetologist wanted to become an Esthetician what are the requirements in doing so? If a licensed Cosmetologist wanted to “become Electrolysis etc. Can the Broad Clarify Scenario as such?”

Response: The Board acknowledges the comment. However, the Board believes that the process for transferring credits from one license type to another is sufficiently clear in the current proposal. No further changes to the proposed text are required, as these issues are specifically addressed in the regulation proposal for each licensee type who transfers “identical” credit (as defined in this proposal) to another course of study leading to another license type.

In the examples cited by the commenter, a licensed cosmetologist could transfer identical course work taken for enrollment in a new skin care program (which leads to licensure as an esthetician) in accordance with proposed Section 950.10(b)(2) for instruction hours taken in health and safety, disinfection and sanitation, chemical hair services, and hairstyling services up to the minimums required for licensure as an esthetician. Similarly, in Section 950.10(b)(5), for a licensed cosmetologist who enrolls in a new electrolysis education program, the cosmetologist would receive credit for identical course work taken in the areas of health and safety and disinfection and sanitation up to the minimums required for licensure as an electrologist. For other instructional hours that are identical to the proposed course for which a student enrolls, a student would be eligible for credit in accordance with proposed subsection (h).

Comment No. 2 from Anthony Padilla: Anthony Padilla expressed concern regarding student’s receiving credit hours from schools/facilities outside of their primary school in order to obtain supplemental credit hours. The commenter specifically requests that the Board consider: “If students decide to obtain outside training to supplement learning in schools, is there a provision being considered to grant hours credit (sic) for the outside learning taking place?”

Response: The Board acknowledges the comment. No further changes to the proposed text are required, as this is specifically addressed in the regulation package, as students may transfer approved credit hours from Board approved schools. In addition, this question appears to be outside the scope of this rulemaking proposal and the authority for the Board to address in this rulemaking. The Board is currently only authorized to set standards for accepting credit for a program of instruction at a Board approved school in accordance with Article 8 of the Act (commencing with section 7362 of the Business and Professions Code).

Consideration of Alternatives

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Board as part of public comments received or at the

Board's meetings would be more effective in carrying out the purpose for which the regulation is proposed, or 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. All recommendations provided during this rulemaking were considered by the Board and rejected as discussed herein.