CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY

JANUARY 24, 2016

Board Meeting

Holiday Inn Orange County Airport
2726 South Grand Avenue
Santa Ana, CA 92705

California State Board of Barbering and Cosmetology

Board Meeting Agenda

10:00 A.M.
Until completion of business

Sunday, January 24, 2016

Holiday Inn
2726 South Grand Avenue
Santa Ana, CA 92705

An additional meeting location, via teleconference, has been established at:

2405 Kalanianaole Avenue PH – 11
Hilo, HI 96720

ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

OPEN SESSION:

1. Call to Order/Roll Call/Establishment of a Quorum **(Dr. Kari Williams)**

2. Public Comment on Items not on the Agenda
   Note: the Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a)]

3. Board President's Report **(Dr. Kari Williams)**

4. Executive Officer Report **(Kristy Underwood)**

5. Annual Election of Officers

6. Appointment of Committee Members and Approval of Proposed 2016 Meeting Dates

7. Annual Review and Approval of Board Member Guidelines and Procedures Manual

8. Approval of Board Meeting Minutes

   - October 19, 2015

9. Discussion and Recommendation on Spanish Cosmetology Pass Rate on the Written Examination

10. Discussion Concerning Interpreters Being Provided at the Disciplinary Review Committee (DRC)

11. Review of the Action Plan for the Implementation of the Board's Sunset Bill (AB 181)

BarberCosmo
Board of Barbering & Cosmetology

Dr. Kari Williams, Industry Member, President

Richard Hedges, Public Member, Vice President

Mary Lou Amaro, Industry Member

Bobbie Anderson, Public Member

Polly Codorniz, Industry Member

Andrew Drabkin, Public Member

Joseph Federico, Industry Member

Kristy Underwood
Executive Officer

Edmund G. Brown Jr., Governor
State of California

Department of Consumer Affairs
Board of Barbering and Cosmetology

Telephone: (916) 575-7100

Website: www.barbercosmo.ca.gov

2420 Del Paso Road, Suite 100
Sacramento, CA 95834

California State Board of Barbering and Cosmetology

12. Proposed Regulations Updates (Possible Actions)

    - Military Training - Title 16, Section 910 of the California Code of Regulations
    - Administrative Fine Schedule -Title 16, Section 974 of the California Code of Regulations
    - Proposed Regulatory Language to Define "Demonstrating" for Purposes of BPC 7319 (e) Exemptions.
    - Consumer Notice – Title 16, Section 904 and 905 of the California Code of Regulations

13. Agenda Items for Next Meeting

14. Public Comment

    Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a)]

15. **CLOSED SESSION**

    A. Pursuant to Government Code Section 11126(c)(3), the Board will Meet In Closed Session to Deliberate on Disciplinary Matters

    B. Adjourn Closed Session

RECONVENE OPEN SESSION

16. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Board President and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public. The Board plans to webcast this meeting on its website at www.barbercosmo.ca.gov. Webcast availability cannot, however, be guaranteed due to limited resources. The meeting will not be cancelled if webcast in not available. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

**Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).*

The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting may make a request by contacting: Marcene Melliza at (916) 575-7121, email: marcene.melliza@dca.ca.gov, or send a written request to the Board of Barbering and Cosmetology, PO Box 944226, Sacramento, CA 94244. Providing your request is a least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.

No Attachment

Quarterly Barbering and Cosmetology Licensing Statistics
Fiscal Year 15/16

Applications Received

	Jul-Sept	Oct-Dec	Jan- Mar	Apr-June	YTD
Establishment	1,795	1,606			3,401
Mobile Unit	5	0			5
Barber					
Pre-App	408	341			749
Initial Application	346	296			642
Re-Exam	388	391			779
Sub-Total	***1,142***	***1,028***	***0***	***0***	***2,170***
Reciprocity	40	52			92
Apprentice	156	111			267
Cosmetology					
Pre-App	1,737	1,767			3,504
Initial Application	1,249	1,085			2,334
Re-Exam	1,506	1,182			2,688
Sub-Total	***4,492***	***4,034***	***0***	***0***	***8,526***
Reciprocity	464	318			782
Apprentice	164	172			336
Electrology					
Pre-App	8	5			13
Initial Application	3	5			8
Re-Exam	0	4			4
Sub-Total	***11***	***14***	***0***	***0***	***25***
Reciprocity	2	1			3
Manicuring					
Pre-App	728	676			1,404
Initial Application	1,035	943			1,978
Re-Exam	943	785			1,728
Sub-Total	***2,706***	***2,404***	***0***	***0***	***5,110***
Reciprocity	145	135			280
Esthetician					
Pre-App	681	783			1,464
Initial Application	531	491			1,022
Re-Exam	638	305			943
Sub-Total	***1,850***	***1,579***	***0***	***0***	***3,429***
Reciprocity	153	100			253
Total	**13,125**	**11,554**			**24,679**

Examination Results
(October 1, 2015-December 31, 2015)

Practical Examinations

Administered	Passed	Failed	Total	Pass Rate	*DNA
Barber	547	96	643	**85%**	153
Cosmetologist	2,803	408	3,211	**87%**	471
Esthetician	1,292	47	1,339	**96%**	187
Electrologist	14	0	14	**100%**	0
Manicurist	1,746	314	2,060	**85%**	206
TOTAL	**6,402**	**865**	**7,267**	**88%**	**1,017**

*** Did Not Attend**

Written Examinations

Barber	Passed	Failed	Total	Pass Rate
English	378	312	690	**55%**
Spanish	27	48	75	**36%**
Vietnamese	7	5	12	**58%**
Korean	0	2	2	**0%**
TOTAL	**412**	**367**	**779**	**53%**

Cosmetologist	Passed	Failed	Total	Pass Rate
English	2,239	500	2,739	**82%**
Spanish	109	231	340	**32%**
Vietnamese	237	28	265	**89%**
Korean	35	10	45	**78%**
TOTAL	**2,620**	**769**	**3,389**	**77%**

Manicurist	Passed	Failed	Total	Pass Rate
English	357	135	492	**73%**
Spanish	7	5	12	**58%**
Vietnamese	949	386	1,335	**71%**
Korean	14	0	14	**100%**
TOTAL	**1,327**	**526**	**1,853**	**72%**

Esthetician	Passed	Failed	Total	Pass Rate
English	697	155	852	**82%**
Spanish	3	1	4	**75%**
Vietnamese	296	58	354	**84%**
Korean	25	1	26	**96%**
TOTAL	**1,021**	**215**	**1,236**	**83%**

Electrologist	Passed	Failed	Total	Pass Rate
English	9	3	12	**75%**
Spanish	0	0	0	**0%**
Vietnamese	0	0	0	**0%**
Korean	0	0	0	**0%**
TOTAL	**9**	**3**	**12**	**75%**

Licenses Issued

	Jul-Sept	Oct-Dec	Jan- Mar	Apr-June	YTD
Establishment	1,680	1,645			3,325
Mobile Unit	2	3			5
Barber	555	411			966
Barber Apprentice	122	119			241
Cosmetology	2,918	2,831			5,749
Cosmetology Apprentice	151	166			317
Electrology	6	9			15
Electrology Apprentice	0	0			0
Manicuring	1,394	1,613			3,007
Esthetician	1,249	1,169			2,418
Total	**8,077**	**7,966**	**0**	**0**	**16,043**

Business, Consumer Services, and Housing Agency – Governor Edmund G. Brown Jr.
BOARD OF BARBERING AND COSMETOLOGY
P.O. Box 944226, Sacramento, CA 94244-2260
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QUARTERLY BARBERING AND COSMETOLOGY DISCIPLINARY REVIEW COMMITTEE STATISTICS

Fiscal Year 15-16

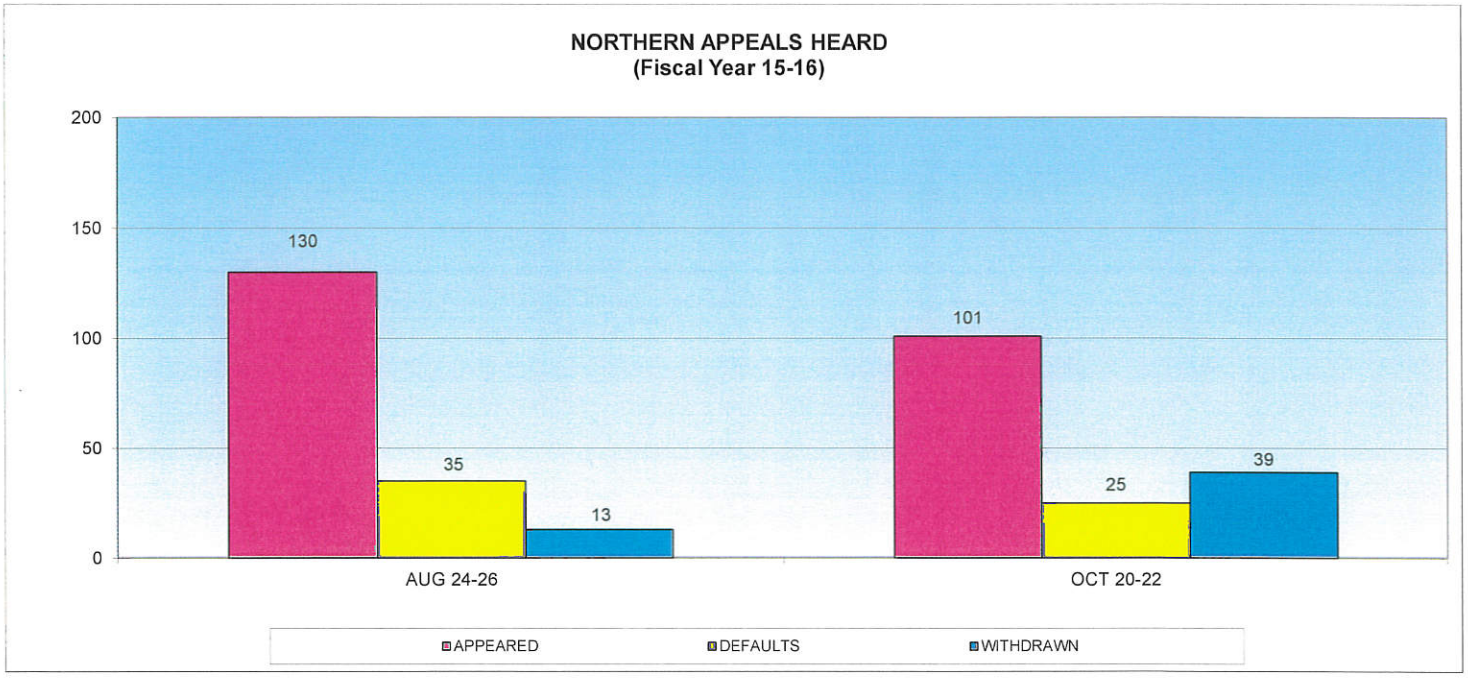
Report Date: December 31, 2015

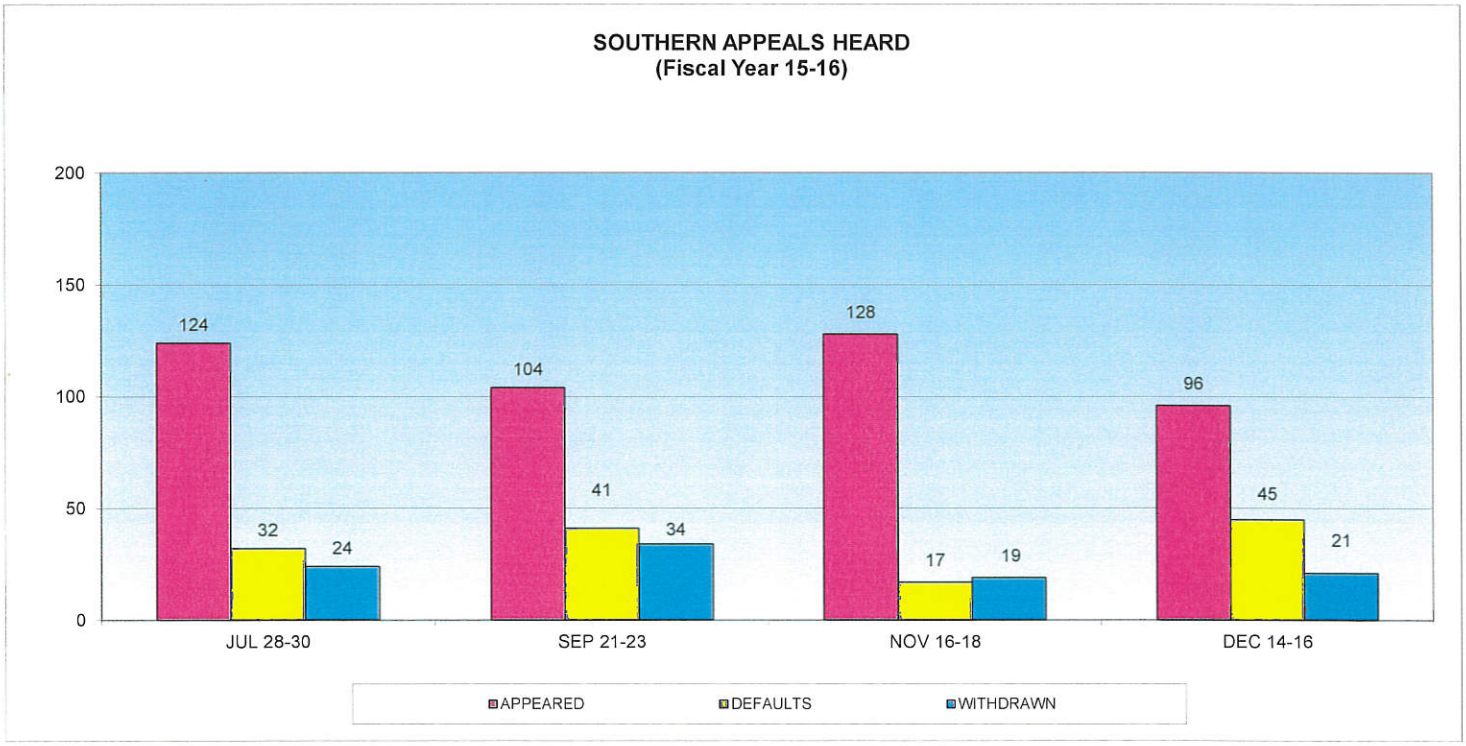
	October - December	YTD
NORTHERN		
Heard	165	343
Received	184	355
Pending[1]	232	232[2]
SOUTHERN		
Heard	326	685
Received	345	655
Pending[1]	311	311[2]

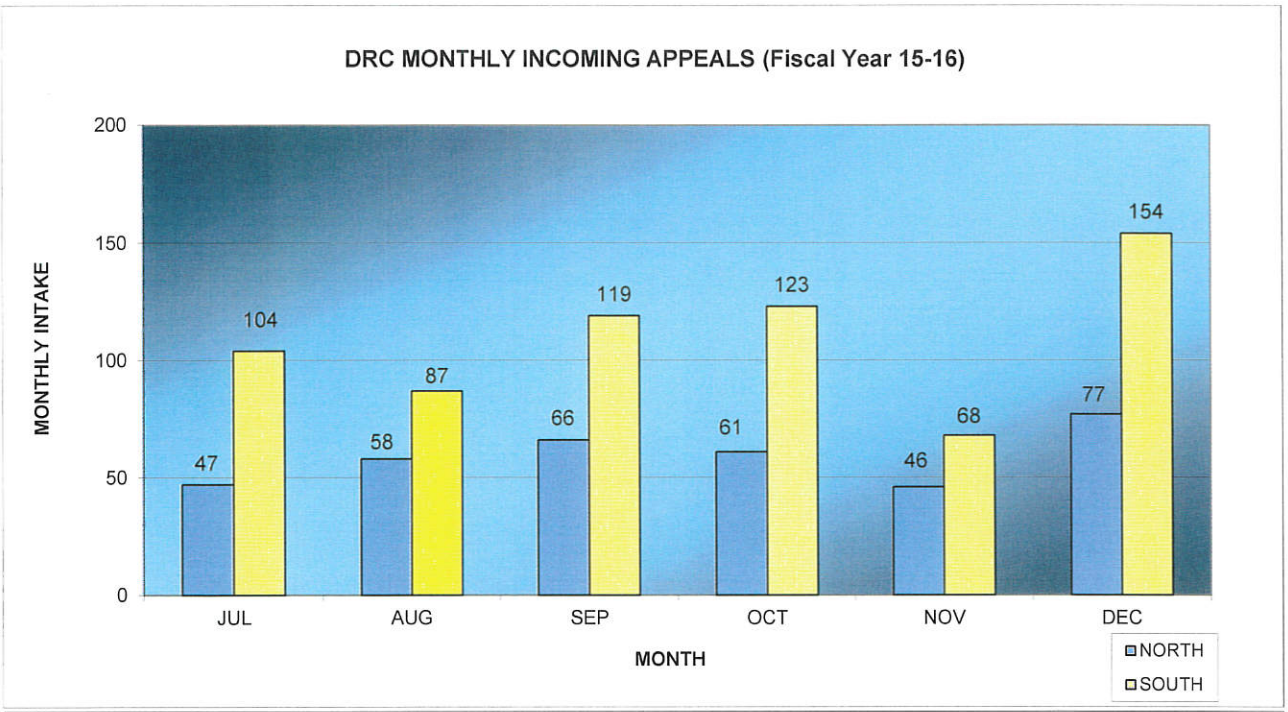
[1] Pending refers to the number of appeals received but not yet heard by DRC.
[2]Figure represents number of pending requests as of report date.

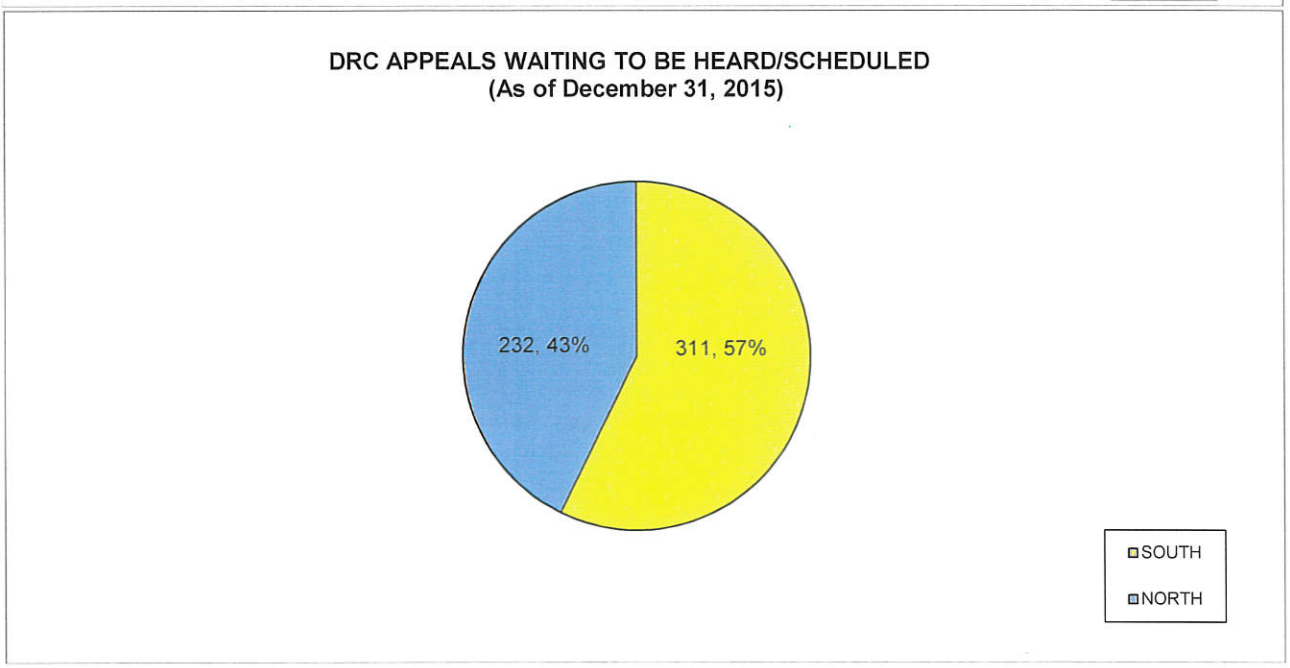
2015 - 2016 SCHEDULED HEARINGS

Area	Location	Date
Southern	Santa Ana	January 26-28, 2016
Northern	Sacramento	February 22-24, 2016
Southern	Norwalk	March 21-23, 2016
Northern	Sacramento	April 27-29, 2016
Southern	Los Angeles	May 23-25, 2016


NORTHERN APPEALS HEARD
(Fiscal Year 15-16)
200
150
100
50
0
130
35
13
101
25
39
AUG 24-26
OCT 20-22
APPEARED
DEFAULTS
WITHDRAWN


SOUTHERN APPEALS HEARD
(Fiscal Year 15-16)
200
150
100
50
0
124
32
24
104
41
34
128
17
19
96
45
21
JUL 28-30
SEP 21-23
NOV 16-18
DEC 14-16
APPEARED
DEFAULTS
WITHDRAWN


DRC MONTHLY INCOMING APPEALS (Fiscal Year 15-16)
MONTHLY INTAKE
200
150
100
50
0
47
104
58
87
66
119
61
123
46
68
77
154
JUL
AUG
SEP
OCT
NOV
DEC
MONTH
NORTH
SOUTH


DRC APPEALS WAITING TO BE HEARD/SCHEDULED
(As of December 31, 2015)
232, 43%
311, 57%
SOUTH
NORTH

QUARTERLY BARBERING AND COSMETOLOGY
ENFORCEMENT STATISTICS Fiscal Year 15-16

	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD
COMPLAINTS					
Complaints Received	849	912	0	0	1761
Referred to DOI	3	6	0	0	9
Complaints Closed	786	807	0	0	1593
Total Complaints Pending	1014	1099			1014
APPLICATION INVESTIGATIONS*					
Received	209	1	0	0	210
Pending	0	3	0	0	0
Closed	226	6	0	0	232
ATTORNEY GENERAL					
Referred	4	15	0	0	19
Accusations Filed	9	9	0	0	18
Statement of Issues Filed	0	2	0	0	2
Total Pending	54	60			54
DISCIPLINARY PROCESS					
Proposed Decisions	1	2			3
Default Decision	2	4			6
Stipulation	6	3			9
DISCIPLINARY OUTCOMES					
Revocation	3	7	0	0	10
Revoke, Stay, Probation	0	0	0	0	0
Revoke, Stay, Suspend/Prob	9	9	0	0	18
Revocation, Stay w/ Suspend	0	0	0	0	0
Probation Only	0	0	0	0	0
Suspension Only	0	0	0	0	0
Suspension & Probation	0	0	0	0	0
Suspension, Stay, Probation	3	3	0	0	6
Surrender of License	1	2	0	0	3
Public Reprimands	0	0	0	0	0
License Denied	0	0	0	0	0
Other	0	0	0	0	0
Total	16	21	0	0	37
PROBATION					
Active	122	132			122
	Jul-Sept	**Oct-Dec****	**Jan- Mar**	**Apr-Jun**	**YTD**
CITATIONS					
Establishments	2605	1596			4201
Barber	243	119			362
Barber Apprentice	16	7			23
Cosmetologist	976	577			1553
Cosmetologist Apprentice	7	6			13
Electrologist	2	1			3
Electrologist Apprentice	0	0			0
Manicurist	629	451			1080
Esthetician	72	53			125
Unlicensed Est.	85	36			121
Unlicensed Individual	135	71			206
Total	4770	2917			7687
INSPECTIONS					
Establishments w/ violations	2875	1624			4499
Establishments w/o violations	682	407			1089
Total	3557	2031			5588

*** Application Investigations are only being opened if additional information is needed or if the application is denied.**

**** Citation and Inspection Stats are from October 1, 2015- November 30, 2015**

BarberCosmo
Board of Barbering & Cosmetology

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR
BOARD OF BARBERING AND COSMETOLOGY
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Budget Updates

Constraints:

On April 26, 2011, the Governor issued Executive Order B-06-11 prohibiting in state or out-of-state travel unless it is mission critical or there is no cost to the state. The Board prepared a reduction plan for FY 2015-16. The plan included reducing the amount of staff who travel to Southern California to conduct disciplinary review hearings from three (3) staff to two (2) staff. All travel must be mission critical and pre-approved by the Boards' Executive Officer.

1. Budget 2015/16 Fiscal Year (July 2015 - June 2016):

Attachment 1 displays projected expenditures for end of the year.

Board of Barbering and Cosmetology
Fiscal Year 2015/2016
Projected Expenditures 11/30/15

Personnel Services	ALLOTMENT	BBC Projected Expenditures	Projected Year
Permanent	4,179,000	4,003,148	175,852
Expert Examiners	452,777	340,000	112,777
Temporary	134,223	223,621	(89,398)
BL 12-03 Blanket	0	167,408	167,408
Statutory-Exempt	104,000	108,852	(4,852)
Board Member Commission	0	16,200	(16,200)
Overtime	0	2,500	(2,500)
Total Salary & Wages	**4,870,000**	**4,861,729**	**343,087**
Net Salary & Wages	**4,870,000**	**4,861,729**	**8,271**
Staff Benefits	2,348,000	2,493,973	(145,973)
Total of Personnel Services	**7,218,000**	**7,355,702**	**(137,702)**

Operating Expenses & Equipment (OE&E)	Allotment	BBC Projected Expenditures	Projected Year End Balance
General Expense	191,000	190,000	1,000
Printing	168,000	330,000	(162,000)
Communication	41,000	40,000	1,000
Postage	283,000	108,000	175,000
Insurance	4,000	11,508	(7,508)
Travel In State	83,000	129,000	(46,000)
Travel, Out-of-State	0	0	0
Training	11,000	400	10,600
Facilities Operations	1,289,000	906,990	382,010
Utilities	0	1,240	(1,240)
Consultant & Professional Svs. - Interdept.	126,000	0	126,000
Consultant & Professional Svs. - External	474,000	358,553	115,447
Depart. and Central Admin. Services	1,061,700	1,061,700	0
Consolidated Data Center	68,000	4,000	64,000
DP Maintenance	38,000	38,000	0
Central Admin Pro Rata/PPRD Pro Rata	1,152,000	1,828,000	(676,000)
Examinations	1,394,000	1,782,836	(388,836)
Major Equipment	80,000	108,084	(28,084)
Minor Equipment	12,000	20,614	(8,614)
Other Items of Expense	7,000	1,469	5,531
Vehicle Operations	38,000	70,000	(32,000)
Enforcement	1,673,000	841,700	831,300
Special Items of Expenses	0	0	0
Total Operating Expenses & Equipment	8,193,700	7,832,094	361,606
Total Personal Services Expenses	24,604,000	23,842,684	(137,702)
Total reimbursements	(57,000)		0
Total	**15,354,700**	**23,748,996**	**223,904**

0069 - Barbering and Cosmetology
Analysis of Fund Condition

1/7/2016

(Dollars in Thousands)

NOTE: $10 Million General Fund Repayment Outstanding

2016-17 Governor's Budget

		Actual 2014-15	CY 2015-16	BY 2016-17	BY+1 2017-18
BEGINNING BALANCE		$ 15,919	$ 19,125	$ 18,265	$ 31,313
Prior Year Adjustment		$ 355	$ -	$ -	$ -
Adjusted Beginning Balance		$ 16,274	$ 19,125	$ 18,265	$ 31,313
REVENUES AND TRANSFERS					
Revenues:					
125600	Other regulatory fees	$ 6,309	$ 6,316	$ 6,696	$ 6,696
125700	Other regulatory licenses and permits	$ 4,659	$ 4,800	$ 4,944	$ 4,944
125800	Renewal fees	$ 11,458	$ 11,801	$ 12,155	$ 12,155
125900	Delinquent fees	$ 1,056	$ 1,088	$ 1,120	$ 1,120
141200	Sales of documents	$ 1	$ -	$ -	$ -
142500	Miscellaneous services to the public	$ -	$ -	$ -	$ -
150300	Income from surplus money investments	$ 41	$ 56	$ 57	$ 99
150500	Interest Income from Interfund Loans	$ -	$ -	$ -	$ -
160100	Settlements and Judgements	$ 6	$ -	$ -	$ -
160400	Sale of fixed assets	$ -	$ -	$ -	$ -
161000	Escheat of unclaimed checks and warrants	$ 10	$ 10	$ 10	$ 10
161400	Miscellaneous revenues	$ 17	$ 17	$ 17	$ 17
Totals, Revenues		$ 23,557	$ 24,088	$ 24,999	$ 25,041
Transfers from Other Funds					
	Proposed GF Loan Repayment	$ -	$ -	$ 11,000	$ -
Transfers to Other Funds					
		$ -	$ -	$ -	$ -
	Totals, Revenues and Transfers	$ 23,557	$ 24,088	$ 35,999	$ 25,041
	Totals, Resources	$ 39,831	$ 43,213	$ 54,264	$ 56,354
EXPENDITURES					
Disbursements:					
0840 State Controller (State Operations)		$ -	$ -	$ -	$ -
1110 Program Expenditures (State Operations)		$ 20,690	$ 24,910	$ 22,920	$ 23,378
1111 Program Expenditures (State Operations)					
8880 Financial Information System for California (State Ops)		$ 17	$ 38	$ 31	$ -
9670 Equity Claims / Board of Control (State Operations)		$ -	$ -	$ -	$ -
Total Disbursements		$ 20,707	$ 24,948	$ 22,951	$ 23,378
FUND BALANCE					
Reserve for economic uncertainties		$ 19,125	$ 18,265	$ 31,313	$ 32,976
Months in Reserve		9.2	9.5	16.1	16.6

NOTES:

A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.

B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1.

C. ASSUMES INTEREST RATE AT 0.3%.

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BarberCosmo
Board of Barbering & Cosmetology

FY 15-16 Outreach/Industry Events

Participated:

- July 7, 2015 — Sacramento and Company News 10 – Safe Salon
  Speaker: Kristy Underwood
- July 28, 2015 — Regis Manager Meeting – New Regulation Update (Orange County)
  Attendees: Kristy Underwood, Tami Guess and Marcene Melliza
- August 9, 2015 — Electrologist Association – New Regulation Update (Sacramento)
  Attendees: Kristy Underwood and Marcene Melliza
- August 22-24, 2015 — San Jose Face & Body Show (San Jose)
  Attendees: Kristy Underwood, Tami Guess and Patricia Garcia
- September 20, 2015 — Nail Pro Show (Sacramento Convention Center)
  Attendees: Kristy Underwood, Tami Guess, Marcene Melliza and Patricia Garcia

Scheduled:

- January 30 – February 1, 2016 — International Salon and Spa Expo (ISSE) (Long Beach)
  Attendees: Kristy Underwood, Tami Guess, Marcene Melliza and Theresa Rister

No Attachment

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.

Board of Barbering and Cosmetology-Department of Consumer Affairs
PO Box 944226, Sacramento, CA 94244
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MEMORANDUM

DATE	January 5, 2016
TO	Board Members, Board of Barbering and Cosmetology
FROM	Marcene Melliza, Board Analyst Board of Barbering and Cosmetology
SUBJECT	**Proposed Board Meeting Dates for 2016**

January 24, 2016 – Board Meeting – Santa Ana
January 25, 2016 – Reinstatement Hearing – Santa Ana

April 25, 2016 – Reinstatement Hearing – Sacramento
April 26, 2016 – Board Meeting – Sacramento

July 24, 2016 – Board Meeting – San Diego
July 25, 2016 – Reinstatement Hearing – San Diego

November 14, 2016 – Board Meeting – Sacramento
November 15, 2016 – Reinstatement Hearing – Sacramento

BarberCosmo
Board of Barbering & Cosmetology

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BOARD COMMITTEES

LICENSING AND EXAMINATION COMMITTEE

The purpose of the Licensing and Examination Committee is to advise the Board on policy matters relating to the examining and licensing of individuals who want to practice barbering and cosmetology in California. The committee may also provide information and recommendations to the Board on issues relating to curriculum and school approval, exam appeals, laws and regulations.

Current Members:

Joseph Federico (Chairperson)
Mary Lou Amaro
Richard Hedges
Dr. Kari Williams

ENFORCEMENT AND INSPECTIONS COMMITTEE

The purpose of the Enforcement and Inspections Committee is to advise the Board on policy matters that relate to protecting the health and safety of consumers. This includes recommendations on how inspections are conducted, the types of violations issued, maintenance of disciplinary guidelines, and other recommendations on the enforcement of the Board's statutes and regulations.

Current Members:

Richard Hedges (Chairperson)
Andrew Drabkin
Joseph Federico
Polly Codorniz

LEGISLATIVE AND BUDGET COMMITTEE

The purpose of the Legislative and Budget Committee is to review and track legislation that affects the Board and recommends positions on legislation. Provides information and recommendations to the Board on potential policy matters relating to the budget.

Current Members:

Richard Hedges (Chairperson)
Mary Lou Amaro
Bobbie Anderson
Joseph Federico

EDUCATION AND OUTREACH COMMITTEE

The purpose of the Education and Outreach Committee is to provide recommendations to the Board on the development of informational brochures and other publications, planning of outreach events for consumers and licensees, preparing articles for submission in trade magazines, attending trade shows.

Current Members:

Mary Lou Amaro (Chairperson)
Andrew Drabkin
Dr. Kari Williams
Polly Codorniz

DISCIPLINARY REVIEW COMMITTEE

The purpose of the Disciplinary Review Committee is to conduct informal administrative citation review hearings and renders decisions regarding disputed citations. The committee has authority to affirm, modify or dismiss the citations including any fine. The Board President shall annually appoint members of the committee, the appointments will be made concurrently with the annual election of officers. The Board President shall select the dates and locations of the informal citation review hearings held before the disciplinary review committee. The Board may find a need to have an alternate member for the convenience of those members who cannot attend.

Current Members:

Mary Lou Amaro
Bobbie Anderson
Andrew Drabkin
Joseph Federico
Richard Hedges
Dr. Kari Williams

No Attachment

CALIFORNIA STATE BOARD OF

BARBERING AND COSMETOLOGY

BOARD MEETING

MINUTES OF OCTOBER 19, 2015

Department of Consumer Affairs
1747 North Market Blvd.
HQ2 Hearing Room 186, 1st Floor
Sacramento, CA 95834

Additional meeting location for teleconference:
1038 West 80th Street
Los Angeles, CA 90044

BOARD MEMBERS PRESENT
Dr. Kari Williams, President
Richard Hedges, Vice President
Mary Lou Amaro
Bobbie Anderson (via teleconference)
Polly Codorniz
Andrew Drabkin
Joseph Federico

STAFF MEMBERS PRESENT
Kristy Underwood, Executive Officer
Rebecca Bon, Legal Counsel
Carrie Harris, Enforcement Manager
Tami Guess, Board Policy Analyst
Marcene Melliza, Board Analyst

1. Agenda Item #1, CALL TO ORDER/ESTABLISHMENT OF A QUORUM

Dr. Kari Williams, the Board President, called the meeting to order at 10:00 a.m.

2. Agenda Item #2, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Jeff Ta, the CEO of CONTÉGO Spa Designs, Inc., demonstrated the Novo™ Spa Chair with innovative AirJet Liner™ technology. He stated it is the first spa chair with a disposable foot massage system. New sets of disposable liners are replaced after every service, leaving nothing to be reused.

3. Agenda Item #3, BOARD PRESIDENT'S REPORT

Dr. Williams stated she attended an event yesterday in Los Angeles called Beauty and the Business. It was the second year it had been hosted. It was a great opportunity for a number of industry professions to encourage students who are entering into the industry.

4. Agenda Item #4, EXECUTIVE OFFICER REPORT

Kristy Underwood, the Executive Officer, reviewed the statistic reports included in the meeting packet. She stated she will report on the Spanish pass rates in the next Board meeting. There may be a need to look at the quality of education. Many individuals who

take the test say they understand it, but continue to fail. It is a bigger issue that the Board may want to work on with the Bureau for Private Postsecondary Education.

Staff conducted research to determine a pattern to target. Staff considered if the problem is the textbook, translation, or specific schools, but no patterns were found with the statistical data. Staff reviewed past years of statistics and found that the exams were tracked differently in the past and not separated by language, but historically the pass rates were the same.

Mr. Hedges stated the Vietnamese speakers are equal to or above the English speakers in the pass rate on the written exam. The low pass rate is something specific to the Spanish-speaking applicants. If individuals are not grammatically literate in their native language, it is hard to transfer that to another language. He stated there is pressure for this Board to deal with this issue, but the only way is to go to a normal bell curve, which then dilutes the public safety, because in a normal bell curve, there is about 2.5 percent failing.

Andrew Drabkin, a Board Member, asked Ms. Underwood to research and report on whether other states experience this issue and, if so, what solutions they have found for substandard scoring on the national test.

Public Comment

Fred Jones, with the Professional Beauty Federation of California (PBFC), stated the PBFC has looked into this issue. He stated the National-Interstate Council of State Boards of Cosmetology (NIC) asked a bi-lingual individual from California to look at their Castilian Spanish version of the test. They did not find any problems in the translation of the test. He suggested that the Board compare the Spanish written candidates with their practical test scores. Perhaps they do not come from a culture that communicates much in written form.

Mr. Hedges stated he asked at the last Board meeting if there could be a Beta test using conversational Spanish with a prompter dealing with the person taking the test, but it would have to be an exact duplicate of the test to get a good view of whether that would work or not.

Mr. Jones stated the Board has the advantage of contracting with NIC. The NIC has a valid, good national exam because they have psychometricians on staff. He suggested asking the NIC these questions. What the PBFC has been able to look at and has communicated to the NIC and others is that there is a cultural barrier. There may be a difference between written performance and practical performance because of that cultural distinction.

Joseph Federico, a Board Member, asked what the relative lag time is between the initial application and taking the test. Ms. Underwood stated the process takes approximately two months. She recommended applying online to expedite the process.

Mr. Federico asked about the mobile unit applications. Ms. Underwood stated R.V. Salons are becoming a trend.

5. Agenda Item #5, APPROVAL OF BOARD MEETING MINUTES

Public Comment

Mr. Jones stated he wanted to publicly acknowledge and thank the Board and staff who have made a concerted effort despite budgetary constraints to reach out to the industry.

MOTION: Mr. Hedges made a motion, seconded by Mr. Drabkin, that the Board approves the July 26, 2015, Meeting Minutes as presented. Motion carried 7 yes and 0 no per roll call vote.

6. Agenda Item #6, ENFORCEMENT COMMITTEE REPORT, CONSIDERATION OF COMMITTEE RECOMMENDATIONS AND POSSIBLE ACTION

- **Update on the Medical Services Task Force**
  - **Discussion and Approval of Recommended Regulatory Language Regarding False/Misleading Advertising**

The Board was provided a memorandum about the Medical Services Task Force meetings held on May 4 and August 3, 2015, and Mr. Hedges provided a summary of the Enforcement Committee meeting that convened earlier today to consider issues regarding medical services and spas. The Task Force recommended proposed regulatory language that the Enforcement Committee approved. The Enforcement Committee is now asking the Board to approve the proposed language.

Ms. Underwood stated the proposed language is in the meeting packets. The proposed regulatory language would strengthen the Board's ability to hold individuals accountable for false/misleading advertising. Ms. Underwood summarized the regulatory process and stated the process could take over a year to complete.

Public Comment

Mr. Jones spoke in support of the presented language, which provides an additional tool to go after salons that are intending to go beyond their scope of license practice. He thanked the Board and staff for creating and updating industry bulletins that are incredibly valuable resources.

Patrick Romani, from Face Reality Acne Clinic, stated his concern about the kind of terms the Board will limit estheticians from using. There are terms that are primarily used by the medical community which have a broader definition, such as blemish and treatment.

MOTION: Mr. Hedges made a motion, seconded by Dr. Williams, that the Board approves the recommended regulatory language regarding false/misleading advertising. Motion carried 7 yes and 0 no per roll call vote.

- **Discussion and Recommendations of Remedial Training for Immediate Suspensions**
  - **Recommendation to Amend Sections 973.3(d), 973.4, and 973.5 of the California Code of Regulations**

Ms. Underwood reported on the Enforcement Committee's actions in this morning's meeting regarding manicuring and pedicuring violations. She stated violators are immediately suspended and are required to do eight hours of remedial training. Training is difficult to obtain because schools do not have the resources to offer only an eight-hour course. Staff presented to the Enforcement Committee the concept of developing remedial training internally along with the Board-approved training. She stated the staff will continue to explore the possibility of developing a course and will present a report to the Enforcement Committee.

7. Agenda Item #7, UPDATE AND DISCUSSIONS OF PROPOSED BILLS THAT COULD IMPACT BBC:

- **AB 181 – Sunset Review Bill**

Ms. Underwood stated Assembly Bill (AB) 181 that extends the Board for four more years was signed by the governor. Staff will present a plan on how to meet the additional requirements in the bill at the next Board meeting in January.

- **AB 1322 – Allowing Alcohol in Establishments**

Ms. Underwood stated this bill is in the Senate Committee on Governmental Organization. Staff will continue to watch this subject through the Legislature.

- **AB 750 – Retiree Licenses**

Ms. Underwood stated this bill is held under submission in Assembly Appropriations.

- **AB 888 – Microbeads in Cosmetics**

Ms. Underwood stated AB 888 was signed by the governor.

- **AB 85 – Open Meetings**

Ms. Underwood stated AB 85 was vetoed by the governor.

8. Agenda Item #8, PROPOSED REGULATIONS UPDATES (POSSIBLE ACTIONS)

Dr. Williams deferred to Ms. Underwood to provide updates on the follow items:

- **Military Training – Title 16, Section 910 of the California Code of Regulations**

Ms. Underwood stated the proposed rulemaking language has been revised by Rebecca Bon, Legal Counsel. Upon Board approval, the revision will require a 15-day public comment period.

> **MOTION**: Mr. Hedges made a motion, seconded by Mr. Drabkin, that the Board approves the proposed rulemaking language for military training under Title 16, Section 910, of the California Code of Regulations. Motion carried 7 yes and 0 no per roll call vote.

- **Administrative Fine Schedule -Title 16, Section 974 of the California Code of Regulations**

Ms. Underwood stated this package is with the Department of Consumer Affairs. No action is required.

- **Proposed Regulatory Language to Define "Demonstrating" for Purposes of BPC 7319(e) Exemptions**

Ms. Underwood stated a public hearing was held on October 14, 2015, on this proposed rulemaking. Staff will present the Final Statement of Reasons for approval at the next Board meeting. No action is required.

- **Consumer Notice – Title 16, Sections 904 and 905 of the California Code of Regulations**

Ms. Underwood stated staff has made several revisions to the proposed language of the consumer notice based on Board Member comments in the last meeting.

Dr. Williams asked about photocopying the notice. Ms. Underwood stated salons may make photocopies of the consumer notice as long as the font size remains the same as specified in regulations.

Dr. Drabkin questioned the stability of Quick Response (QR) Codes and whether a QR Code should be a feature on the consumer notice, because technology may move beyond that trend in future years. He recommended crafting the language in such a way that it can be modified.

Ms. Underwood stated the regulations do not specify the requirement of a QR Code on the consumer notice should they no longer be valid in the future.

Public Comment

Jaime Schrabeck, of Precision Nails, stated the concern that the consumer notice does not include what the Board cannot address, such as quality of service and refunding, to clarify where to draw the line. There are issues that clients feel they can take to the state Board that they cannot.

Mr. Hedges stated the problem with listing everything is the poster must be changed every time a regulation is changed.

Ms. Underwood suggested not specifying what the Board can and cannot do on the notice but letting consumers know where they can file complaints. Doctors' offices and pharmacies post a notice that states they are licensed by the medical board and to call the medical board if there is a problem.

Ms. Schrabeck suggested that the Board's mission be listed on the notice emphasizing health and safety and a statement that it does not address financial complaints. The Board is only concerned with clients' safety, not promoting the industry or ensuring that clients are receiving value for their dollar. This is an opportunity to give the consumer more information and draw the line where the salon's responsibility ends and the Board's responsibility begins.

Mr. Jones agreed and suggested it may be helpful to have one line at the top of the notice that explains the role of the Board is limited to consumer protection issues, not quality of services. He suggested the removal of the third bullet about misrepresentation or false advertising of services because it is too vague.

John Moreno, from Bakersfield Barber College, agreed with making a simplified notice. He suggested adding that consumers should first try to resolve issues with management before taking issues to the Board.

Ms. Underwood suggested removing all bullets and only including the mission. The purpose of the consumer notice is to let consumers know where to send their complaints.

Dr. Williams asked the percentage of calls received that are outside of the Board's jurisdiction.

Carrie Harris, the Board's Enforcement Manager, stated the Board gets complaints, such as bad haircut complaints or refund requests for dissatisfaction of service, almost daily. She stated the consumer notice refers individuals to the website where they can file a complaint. She suggested improving the website complaint page by adding information about what the Board can and cannot help consumers with.

Mr. Hedges stated the purpose of updating the consumer notice is to simplify it. He agreed with Ms. Harris to add greater detail to the website, not to the notice. Adding more language to the notice will require decreasing the font size.

Mr. Hedges stated he also agreed with Ms. Schrabeck that only listing what the Board can do may be a problem, but the simple poster design is preferable as long as it directs consumers to detailed information available on the website.

Mr. Drabkin suggested removing the QR Code and increasing the size of the web address if individuals will be directed to the website for details on what the Board can and cannot do. If the QR Code will remain, Mr. Drabkin suggested putting it in a bottom corner to take up less space.

Mr. Federico suggested that the webpage consumers are directed to be its own unique landing page, where it delves into that information and can be continually updated with pertinent information, so that the regulation about the consumer notice can stay the same but the website can be more fluid and can adjust for what the Board or the public feel they want to see or do not want to see or what is more important to the consumer. That way, this can be kept active and useful for a longer period of time.

> **MOTION**: Mr. Hedges made a motion, seconded by Mr. Drabkin, to send the consumer notice back to staff to make the revisions suggested from public comment and Members of the Board to be presented at the next Board meeting. Motion carried 7 yes and 0 no per roll call vote.

9. Agenda Item #9, DISCUSSION CONCERNING INTERPRETERS BEING PROVIDED AT THE DISCIPLINARY REVIEW COMMITTEE (DRC)

Ms. Underwood stated the Board has received various inquiries regarding providing interpreters at the DRC hearings. The Board has never provided this service in the past because the hearings are considered informal, although it does provide interpreters at formal hearings when requested. She asked Board Members to review the memo included in the meeting packet summarizing the items to consider and the potential costs.

Mr. Hedges stated this cannot be done without a budget change. There is nothing in the budget about the $21 million the Board loaned to the Administration that has not yet been paid back. There is nothing mentioned about any compensation to the Board from the fines it collects. The Board could tap into that money to hire interpreters. Mr. Hedges spoke in favor of hiring interpreters because it will make the DRC run smoother, it will ensure the appellants receive a fair hearing, and it will ensure a clear record. He stated he agrees with the Sunset Hearing, the request for the Board to have interpreters, and the suggestions the Board has gotten from the Legislature, but they also have to help the Board pay for it. He suggested informing the Legislature that the Board wants to hire interpreters but will require help to do it.

Mr. Federico cautioned that utilizing bi-lingual staff may cause a question of impartiality as opposed to using interpreters. Ms. Underwood agreed that the HR Department would need to be consulted regarding the separation of duties.

Public Comment

Mr. Jones suggested making any motion conditional on a successful Budget Change Proposal (BCP), which would put the burden back on the policymakers. He suggested comparing contract versus civil service. The legislative trend by policymakers is translation and interpretation. However, a DRC hearing is an optional hearing given to licensees to appeal a finding; therefore, it is the responsibility of the licensee to provide for their own interpretation. He suggested building protection into the process, such as having both contracted interpreters and staff that provide these services sign a consent contract that waives any legal liability on the Board's behalf, and that the Board does not assume responsibility for proper interpretation, but that it is a service being offered for their benefit. He offered to help craft the language.

Mr. Jones stated, if they decide to use one of the Board's contracted or civil service interpreters, there should be some sort of consent. If the translation is deemed inaccurate, the Board is relieved of any associated liability.

Mr. Drabkin asked how much of a benefit hiring an interpreter would be for the Board. He also asked how having interpreters affects the decisions on the DRC hearings.

Polly Codorniz, a Board Member, asked if the appellants are responsible for understanding the language or bringing their own interpreters.

Mr. Drabkin stated the issue is whether it helps them or the Board.

Mr. Federico stated those are good points. As a member of the DRC, the benefit of utilizing an interpreter would be that the Board does not feel like it is there to assess a penalty and move on. The DRC is used as a process for education. Interpreters affecting the outcome of a decision would be small. The benefit is having the extra layer to convey the education to the appellant.

Mr. Hedges stated the belief that everyone in the industry should know English because it increases safety for them and for the consumers. All material from the EPA and other agencies and instructions for product use are in English. The Board must afford this both for political reasons, because the Legislature allowed the Board another four years, and for education. If the Board hires interpreters, Mr. Hedges suggested having them

there each day rather than for one or two hearings, because appellants will come in who did not ask for an interpreter and will not understand. Appellants are always asked to speak with staff. The Board's mission is to protect the public, not to fine people, but one of the ways to get their attention in order to protect the public is to fine them.

Mr. Drabkin asked staff to conduct a cost-benefit analysis of hiring interpreters versus hiring staff so the Board can inform the Legislature on the amount of funding it will take to provide this service.

Public Comment

A member of the public stated a previous Board Member was Vietnamese. The Vietnamese Board Member encouraged a member of the public to learn English. An important education part of the appeals process is to encourage individuals to learn English for the reasons Mr. Hedges mentioned.

MOTION: Mr. Hedges made a motion, seconded by Mr. Federico, that staff take direction from what was suggested from public comment and Members of the Board and bring back a policy to be presented at the next Board meeting, including how the Legislature, the governor's office, and the Department of Consumer Affairs will assist the Board to provide interpreters at Disciplinary Review Committee hearings. Motion carried 7 yes and 0 no per roll call vote.

10. Agenda Item #10, AGENDA ITEMS FOR NEXT BOARD MEETING

Mr. Drabkin asked for the date of the next Board meeting. Ms. Underwood stated it will be a two-day meeting, on January 24th and 25th.

11. Agenda Item #11, PUBLIC COMMENT

Mr. Jones stated the Sunset Bill not only extended the existence of the Board for four more years but also had a list of studies and reports with due dates. He suggested making a list of what the Board is mandated to do, including the idea of permitting licensees to practice outside of a licensed establishment, as a future agenda item. He also suggested discussion on legislative ideas to address the concerns of the Senator from Orange County regarding the Vietnamese nail salon community as a future agenda item.

12. Agenda Item #12, CLOSED SESSION

The Board adjourned into closed executive session. No action was taken.

13. Agenda Item #13, ADJOURNMENT

With no further business, the meeting was adjourned.

BarberCosmo
Board of Barbering & Cosmetology

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MEMORANDUM

TO: Members
Board of Barbering and Cosmetology

Date: January 7, 2016

FROM: Kristy Underwood, Executive Officer
Board of Barbering and Cosmetology

SUBJECT: Pass Rate for Spanish Cosmetology Examination

Background

The Board has been experiencing low passing rates for candidates that are taking the written examination in Spanish. Recent legislation (AB 181, chapter 430, statutes of 2016) specifically addressed this issue by stating:

> *The Board shall review the Spanish language examination if, by January 1, 2016, the pass rate for Spanish speakers did not increase to the average pass rate for all other language examinations during the two-year period prior to January 1, 2016.*

For the last two-years, the Spanish pass rates have not increased. Therefore, pursuant to the statute above the Board must conduct a review to determine a cause for the low rate. Board staff has been reviewing this issue for several months and this memo will provide information on the findings.

Data Review

Initially, staff believed we could determine a pattern in the low pass rates. For example, are the candidates coming from a specific school, a specific geographical area, etc. Numerous reviews of data were conducted and no pattern was found. It was determined that the low pass rates include candidates who went to a California school, came from out of state, came from out of country or completed an apprenticeship program. In fact, the failure rate is an average of 82% regardless of where the initial education was determined.

The Board starting reporting pass rates by language type in 2009 when the national written examination was adopted. Data was able to be pulled from previous years to review the prior passage rate. The prior examination was developed by the Board (in conjunction with the Department of Consumer Affairs) and was provided in Spanish. The pass rates are listed below:

Fiscal Year	Pass Rate
09/10	31%
10/11	33%
11/12	24%
12/13	29%

One item that the data review did provide was that Spanish test takers are passing the practical portion of the examination. For the last two fiscal years (2013/14 and 2014/15) the pass rate for Spanish test takers of the practical examination is 82%.

Translation Review

As the Board provides a national examination developed by the National Interstate Council of State Boards of Cosmetology (NIC), the NIC also is responsible for the translations of all examinations. The Board contacted the NIC to express the concern with the low passage rate in the Spanish examinations and asked the NIC to look into a possible translation issue. The NIC responded that there is a lack of statistical evidence that the translated examination items are flawed and that leads to the conclusion that the Spanish version of the examination measures competence with the same degree of accuracy as the English examination.

Other States

According to the NIC, only one other state has expressed concern over pass rates for Spanish speaking applicants (North Carolina).

Candidate Survey

To further gather data Board staff added a survey that must be responded to at the end of each computer-based examination. Below are the survey questions and the responses:

Question:	Answered Yes	Answered No
Was it easy to understand the translated exam?	62%	38%
Did you use Spanish text books in school?	89%	11%
Were you taught in Spanish at school?	72%	28%
Is Spanish your natural/first language?	98%	2%
Would you take this exam in Spanish again?	93%	7%
Would you consider taking the exam in English?	69%	31%

School Survey

In April 2014, the Board reached out to cosmetology schools to determine if they had any input on this issue. The Board developed a survey and mailed it to all approved schools. Unfortunately, the responses received were minimal however; some of the information provided may be helpful. The survey questions and responses are noted below:

Question	# of Responses	Yes	No
1. Do you have Spanish speaking students?	48	54%	46%
2. Do you instruct and/or provide textbooks and learning material in Spanish?	23	40%	60%

3. What areas do you find most challenging for these students?	23	*	*
4. What suggestions do you have for the Board to assist your Spanish speaking students?	20	*	*
5. Would you send an instructor to participate in a Q & A session concerning this topic at the Boards Sacramento Office?	23	48%	52%

*Questions 3 and 4 were open-ended questions that allowed the respondent to type in the comments. Attached are the written responses that were received. Please note: the attached survey responses are pulled directly from the survey database and appear as they were submitted by the respondents.

Information Provided

To Applicants:

In an effort to help educate examination candidates, the Board updated its examination application to include the following language:

These examinations are translated into the most universal or neutral version of each language to be acceptable to the widest possible audience.

To Schools:

In July 2015, the following information was provided to all approved schools:

The Board is continuing to see very low pass rates for students taking the cosmetology examination in Spanish. The Board would like all schools to remind their students that examinations are translated into the most universal or neutral version of the specified language. If a student has been taught the curriculum in English, they may be more successful if they take the examination in English.

Bureau of Private Postsecondary Education

The Board reached out to the Bureau of Private Postsecondary Education (BPPE) to determine if they have authority over passage rates as the BPPE does regulate private cosmetology schools. The BPPE noted that their authority is to ensure the school is operating legally which would require each school to:

- Require proof of high school graduation
- Hire competent teachers

For Discussion

High School Graduation or Equivalent:

The Boards requirement for an applicant for a cosmetology license is that they must self-certify that they have completed the 10th grade. However, the BPPE requires all private schools enroll students that have graduated high-school or have the equivalent. There could be a

conflict that schools are enrolling students that do not have a minimal level of education to enter into the field of cosmetology.

Language Access

The Board's survey results do not demonstrate that language access is a concern. Applicants taking the examination in Spanish responded that 69% would take it again in Spanish.

Quality of Education

The quality of education that is taught in schools could be a potential reason for low pass rates, however, there is very little jurisdiction of quality by either the Board or the BPPE. The Board has minimal authority over the education of the students. While the Board sets the curriculum and can ensure that schools are maintaining the curriculum, the board does not have access to student records and cannot verify each student is being fully taught all aspects of the curriculum.

Practical vs. Written

The Spanish speaking applicants have a high pass rate on the practical examination. This could be for a couple of reasons: 1) the students are more hands-on and visual learners and therefore are more successful in the demonstration aspect of the examination or 2) the students are being in taught in school only how to pass the examination and not focusing on the theory aspect of education.

Conclusion

The Board should discuss the findings in this memorandum and discuss the next steps to raise the pass rates of Spanish speaking students.

Q4 What areas do you find most challenging for these students?

Answered: 23 Skipped: 25

#	Responses	Date
1	We haven't had a challenge w/our spanish speaking students understanding English instructions.	6/18/2014 3:36 PM
2	The majority of our students speak "conversational Spanish" which is very different that than that on print. I have been in the industry for 20 years and consider myself fluent in the Spanish language although it is not my first language. However the cosmetology field is not foreign to me and reading the Spanish textbook and any materials provided seems to be confusing. here are so many dialects, depending on region, that I believe that my be part of the problem. For this, I don't believe there is too much that can be done, but I do believe the Board has a way to help.	6/18/2014 3:34 PM
3	The most difficult part of the Spanish speaking is the written exam is complicated, the student's how speak spanish do not understand some of the wording in the exam confusing their answers.	6/18/2014 3:19 PM
4	We do not teach in Spanish, we advice to purchase spanish textbooks and try to group them together. All spanish language varries from different parts of Mexico.	6/18/2014 3:17 PM
5	We go through Hancock College and they require taking a start test and they set the guidelines for entrance. We don't seem to have a problem-unless the student chooses not to study.	6/18/2014 3:15 PM
6	All of our students have a high school diploma. Therefore, all of our students speak & read English.	6/18/2014 3:13 PM
7	None. My Spanish speaking students also speak English, and usually take the exam in English.	6/18/2014 3:05 PM
8	N/A	6/18/2014 3:05 PM
9	It is difficult to reinforce concepts through verbal instruction. Practical skills can be taught but they rely on the text for their written knowledge.	6/18/2014 3:04 PM
10	All classes at Borner's Barber College are taught in the English Language only.	6/18/2014 3:04 PM
11	Theory Aspect-Anatomy and Physiology, structure growth and nutrition for skin and nails, disorders and skin diseases, concepts of chemical. Practical aspect: color, haircuts, artificial nails	6/18/2014 3:02 PM
12	Misinterpretation of phrases from English to Spanish. Language barrier	6/18/2014 2:59 PM
13	Theory/textbook subjects	6/18/2014 2:56 PM
14	Language	6/18/2014 2:30 PM
15	Theory, Chemical Straightning, Haircolor, Chemistry	6/18/2014 2:13 PM
16	The vocabulary used in the textbooks are too complicated. The Spanish speaking students are from different nationalities. The reading level of textbook and tests should be at a 6th grade reading level.	6/12/2014 1:19 PM
17	Comprehension of the technical areas seems to be most challenging for our students. Our college offers ESL classes and we recommend and refer all of our non-English speaking students of our Counseling Department so they can be assisted with any learning challenges they may have. Often, students will complete ESL classes before enrolling into cosmetology (which we highly recommend). We do our best to offer assistance to ESL students: tutoring, note takers and embedded tutors to name a few support services. Most students are visual learners and with most languages there is no translation for a great number of cosmetology terminologies they must know for licensure. Some students do try to memorize and do a pretty good job of it. We continually complete assessments of our students so the student knows and we know ahead of time the technical and practical areas where improvement(s) is required. Some students are more self-directed than others to do what it takes to make the needed improvements. Although we use the English version of textbooks and learning materials, Spanish versions are available upon request through the college bookstore.	6/12/2014 12:47 PM
18	The translation of certain terminology from English to Spanish sometimes changes the context of the question being asked. Also, chapters with more specific terminology (anatomy & physiology, bacteriology, color theory, etc) tends to be more difficult.	6/4/2014 10:41 AM

19	Reading	5/27/2014 10:49 AM
20	Our surveys indicate that our students are not understanding the Vocabulary that is used in the test. Our Students say that the questions on the Test are not related on the Text Book.	5/21/2014 4:28 PM
21	STUDENT ARE HAVING A HARD TIME WHEN TAKING THE EXAM BECAUSE THE TERMINOLOGY USED AT STATEBOARD EXAM IS DIFFERENT BECAUSE OF THE LANGUAGE ISSUES. SPANSIH IS DIFFERENT IN MEXICO THAN IT IS IN SPAIN. AND WHEN THE STUDENTS TESTS WHOEVER WRITES THE TEST, WHAT SPANSIH ARE THEY WRITING IT IN? MEXICAN SPANISH, SPAIN SPANISH, CUBAN SPANISH, ETC.	5/20/2014 5:21 PM
22	The written exam. They learn the terminology in English but then opt to take the exam in Spanish and they get confused.	5/19/2014 9:40 AM
23	Our Spanish students here are bilingual. However, we teach them in one language which is English.	5/17/2014 11:12 AM

Q5 What suggestions do you have for the Board to assist your Spanish speaking students?

Answered: 20 Skipped: 28

#	Responses	Date
1	non	6/18/2014 3:36 PM
2	First of all as you are aware there are MANY people who are horrible test takers especially under stressful situations, such as the one they are faced with when they are at the test sites (this is nothing new) We must not dismiss the fact most people that make up our industry are more creative than academic (a fact not a stereotype) and therefore have a difficult time with some of the subjects that get covered throughout their training. With that said, it is already left to the school to make sure the students have met the standards required to graduate. It is clear what the students need to have under their belt to do this. It is up to the Board to measure whether the student is qualified to work on the consumer. It is pretty difficult for them to be able to evaluate this in one day. The schools are already required to meet so many standards with the DOE that when a student completes it is already established that they have met the governing standards of our industry. I don't believe the test makes a fair assessment. The test questions have so many questions that only people who have been working for years can possibly have enough experience to answer, and to top it off add the stress, and a language that is not in a format of their everyday conversation. Also, I don't see why the big "mystery" for the test. The DMV has a manual and so much study material that drivers can study beforehand and this is for operating a vehicle putting so many people's lives at risk. A written exam shouldn't be the reason why someone should not be granted a license to work. I don't believe it neccessarily proves that these people will not make good hairdressers. The test either needs to be re-evaluated or more supportive material be provided. A book that takes a year to cover is too vague for the candidates to have as support material. And believe me when I tell you that this is coming from someone who wishes to keep integrity in our industry. With more people licensed, we can continue to fulfill more jobs and boost the economy. So many people get discouraged after failing part of the test that they no longer go back and begin to work illegally. This causes violations for many, defaults in student loans and so on and so forth.	6/18/2014 3:34 PM
3	What we need is to make the exam more understandable in the questions in the spanish exam, are not the same has in the textbook making it more difficult to answer correctly. Some question have two answers to the same question in the Board.	6/18/2014 3:19 PM
4	Online examples of spanish dialects.	6/18/2014 3:17 PM
5	The students have always refused the spanish speaking test, when they have been given the choice.	6/18/2014 3:15 PM
6	None	6/18/2014 3:13 PM
7	N/A	6/18/2014 3:05 PM
8	I don't know if it's a problem with the Board. We try to accomodate Spanish speaking students, but there's no way that it's optimal.	6/18/2014 3:04 PM
9	We tend to have alot of students complain about the questions not being clear. The questions translated in spanish do not seem to be translated correctly. Most students have also mentioned that they feel like they do not have enough time.	6/18/2014 3:02 PM
10	We have bilingual instructors which helps tremendously. Having a translator or a bilingual instructor.	6/18/2014 2:59 PM
11	Tutorials-free online on what to study-practical demo's etc. We teach only in English. Our student's must be able to read/write & communicate in English-we counsel students before they sign up that they may have to work harder than others. I don't think we have many fail becuase of language.	6/18/2014 2:56 PM
12	The Board needs to have better understanding of Spanish directions for students taking exam. The words are different and the students do not understand.	6/18/2014 2:30 PM
13	n/a	6/18/2014 2:13 PM

14	Instructions (verbal and written) in should be in plain simple Spanish (including written test).	6/12/2014 1:19 PM
15	We recommend that the Board continue to do the amazing service that is currently provided for our students. Thank you.	6/12/2014 12:47 PM
16	Have someone who is bilingual proctor the exam and clarify any questions the student may have without actually giving away any answers.	6/4/2014 10:41 AM
17	The Board Should Guide the Schools and inform the schools with more information about the test, or create a guideline for them.	5/21/2014 4:28 PM
18	CHOOSE ONE TEXTBOOK AND ONE VERSION OF IT EITHER MILADY OR PIVOT POINT. HAVE A MEXICAN READ YOUR QUESTIONS SO THAT THEY CAN UNDERSTAND ALL THE WORDS AND TERMS. I THINK THE QUESTIONS SHOULD BE STRAIGHT FORWARD. EITHER THEY KNOW THE INFORMATION OR THEY DONT. NO CONFUSING QUESTIONS.	5/20/2014 5:21 PM
19	Do not use formal Spanish language, it needs to be casual conversational Spanish.	5/19/2014 9:40 AM
20	N/A	5/17/2014 11:12 AM

BarberCosmo
Board of Barbering & Cosmetology

Board of Barbering and Cosmetology
PO Box 944226, Sacramento, CA 94244
P (800) 952-7574 F (916) 574-7574 | www.barbercosmo.ca.gov

MEMORANDUM

TO: Members, Board of Barbering and Cosmetology Date: December 11, 2015

FROM: Kristy Underwood, Executive Officer
Board of Barbering and Cosmetology

SUBJECT: Interpreters at Disciplinary Review Committee Hearings

At the last Board meeting the issue of adding interpreters to the Disciplinary Review Committee (DRC) hearings was discussed. During the discussion, two options were presented in order to provide this service to appellants. Those options were:

- Use staff to provide interpretation services.
- Contract with a vendor to provide interpretation services.

The Board directed staff to conduct further research and provide a recommendation to the Board.

Additional Information

Board staff consulted with the Department of Consumer Affairs (DCA) Office of Human Resources (OHR) on the concept of utilizing staff as interpreters. After researching this option, staff does not recommend this option for the following reasons:

Staff working within the DRC Unit and also serving as an interpreter during the hearing, could be seen as a conflict. This is because staff may be required to interpret for an individual who they have also had to prepare a case on. This could potentially put staff in an unfair position.

Utilizing staff from other Board units could also be seen as a conflict because they are employed by the Board.

Utilizing any staff from the Board could constitute a change of employment duties.

Given the information above, staff recommends that we pursue a Budget Change Proposal (BCP) to obtain a budget augmentation that would allow the Board to contract with a third party vendor (similar to formal disciplinary cases) to provide interpretation services. Should the Board agree, the following would be the timeline:

BCP Process:

Concept Paper would be due to the DCA in April 2016
Final BCP would be due to DCA in July 2016
If approved, the budget would be augmented for the Fiscal Year 2017/2018

Note: BCP's go through extensive review and approval processes from the DCA, Business, Consumer Services and Housing Agency and the Department of Finance. Submission of a BCP is not a guarantee the funding will be granted.

Staff Recommendation

Staff recommends that the Board move to request that staff pursue funding through the BCP process in order to provide interpretation services at DRC hearings.

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MEMORANDUM

TO: Members
Board of Barbering and Cosmetology

Date: December 11, 2015

FROM: Kristy Underwood, Executive Officer
Board of Barbering and Cosmetology

SUBJECT: Implementation Plan for AB 181

Effective January 1, 2016 the provisions of AB 181 (Bonilla, Chapter 430) become effective. Below is the implementation plan for each of the provisions impacting the Board:

Establish a Health and Safety Advisory Committee

Recruitment of Members
Staff will begin recruiting members beginning January 2016. Staff anticipates the following membership for this committee:

Individual Licensee/Expert in each licensing category (6 members)
Industry Association Representation (2 members)
Medical Representation (2 members)
Scientist Representation (2 members)
Public Health Department Representation (1 member)
FDA Representation (1 member)

A link will be added to the Board's website to recruit for this committee. It is anticipated that the first meeting will be held in Spring of 2016.

Personal Service Permit

To begin the process of implementing this requirement the Board must hold stakeholder meetings. Section 7402.5 (c) requires the Board to hold a minimum of two stakeholder meetings in order to establish regulations. Board staff will schedule the first meeting in Sacramento and the second in Southern California. The first meeting will be held in March 2016.

Once the stakeholder meetings have been held, staff will prepare a report and present it to the Board at a scheduled Board meeting. The Board will then discuss how to further proceed with the implementation of the personal service permit.

Examination Reviews

AB 181 requires the Board to conduct the reviews listed below and requires these reviews be reporting during the next sunset review which will be November 1, 2018.

Review	Preliminary Implementation Plan
Occupational Analysis	Board staff will be working with the National Interstate Counsel to ensure occupational analysis are current and provided to the Board for adoption.
National Examination Review	Board staff will be preparing a request to obtain bids from vendors in order to execute a contract for this review.
1600-hour Curriculum Review	Board staff will conduct this review internally and will establish a task force to assist in this process.
Spanish Pass Rates	Board staff has been researching this issue and will be providing information to the Board on findings.

Inspector Protocol regarding Language Access

Board staff will begin developing this protocol in January 2016. This implementation will include meeting with community leaders, reviewing departments that have existing protocols, and training resources. Board staff will be drafting a recommended protocol that will be presented to the Board. It is anticipated that this report will be presented in Summer 2016.

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.

Board of Barbering and Cosmetology-Department of Consumer Affairs
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MEMORANDUM

DATE	January 24, 2016
TO	Members, Board of Barbering and Cosmetology
FROM	Kristy Underwood, Executive Officer
SUBJECT	**Regulations Update**

- **Military Training:** The Board conducted a 15-day public comment period on the revised language approved at the last Board meeting. The staff is now submitting the final statement of reasons and final language for approval by the Board. Staff will then produce the final rulemaking file for review by the Department of Consumer Affairs.

  Action: The Board should vote on the final language and final statement of reasons. **ATTACHED**

- **Administrative Fine Schedule:** The final rulemaking file is under reviewed by the Department of Consumer Affairs (DCA). From there, it will go to the Office of Administrative Law for final approval.

  Action: None needed.

- **Demonstration of Products:** A public hearing on this proposed rulemaking was held Oct. 14, 2015. The staff is now submitting the final statement of reasons and final language for approval by the Board. Staff will then produce the final rulemaking file for review by the Department of Consumer Affairs

  Action: The Board should vote on the final language and final statement of reasons. **ATTACHED**

- **Consumer Notice:** Staff has produced three possible versions of the consumer notice and the related regulatory language for consideration by the Board. The three versions incorporate the various comments received at past meetings. Below is a summary of each option:

  Option 1
  - This is the original recommendation
  - Lists what the board can address
  - Lists website
  - Lists 800 telephone number
  - Includes QR Code

Option 2:

- Lists the Boards mission
- Lists website
- Lists 800 telephone number

Option 3:

- Lists website
- Lists 800 telephone number

Action: The Board should vote on the version of the notice it prefers.
ATTACHED

BOARD OF BARBERING AND COSMETOLOGY

FINAL STATEMENT OF REASONS

Hearing Date: June 17, 2015

Subject Matter of Proposed Regulations: Military Training

Sections Affected: Section 910(c), California Code of Regulations

Updated Information

During the course of this rulemaking, the Board of Barbering and Cosmetology's legal counsel suggested modifying the specific language to explain more clearly the purpose behind the submittal of the Verification of Military Experience and Training (V-Met) records. As a result, the Board modified the language and opened up a 15-day public comment period on the revisions between November 2-18, 2015.

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 on other provision of law.

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

No comments were received.

Summary of, and Responses to, Comments on the Modified Text Received During the 15-day Comment Period

No comments were received.

BOARD OF BARBERING AND COSMETOLOGY

Division 9, Title 16, of the California Code of Regulations.

Order of Adoption

- **Amend Section 910, Title 16, California Code of Regulations, as follows:**

§ 910. Out-of-State Applicants.

(a) An applicant who desires to establish eligibility for examination for a license in this state upon the basis of practice, study or training outside this state, or supplementary training in a licensed school in this state, or any combination thereof, shall furnish proof of his or her qualifications to the board as follows:

(1) An applicant who desires credit for practices in another state or country shall file with the board, on the form prescribed by it (Form #03E-145, Affidavit of Experience-Form C, Rev1/91), an affidavit from a disinterested person verifying such practice, together with an authenticated statement from the licensing agency in the state or country where such practice took place showing that the applicant was licensed to engage in such practice, if a license was required therefor.

(2) An applicant who has completed any number of hours of study and training in a school in another state or country, and who desires credit for such hours toward study and training in this state, shall file with the board, on the form prescribed by it (Form #03B-144, Out-of-State Beauty School Training Record-Form B, Rev. 8/94), an authenticated statement from the school or the training took place showing the number of hours of study and training completed in each subject and when such study and training occurred.

(3) An applicant who desires credit for supplementary training completed in a licensed school in this State shall file with the board an authenticated statement from such school showing the number of hours of such training successfully completed in each subject.

(b) An applicant for examination who is employed on a military reservation to practice any profession licensed under Chapter 10 of Division 3 of the Business and Professions Code must present an authenticated statement from the military reservation verifying the employment and may use the practice obtained to qualify for examination.

(c) An applicant for examination who has applicable education, training, or experience obtained in the United States armed services may submit his or her Verification of Military Experience and Training (V-Met) records to the Board for evaluation, and the Board may use those records to qualify the applicant for examination.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 35, 7321, 7321.5, 7324, 7326, 7330, 7331, 7337 and 7391, Business and Professions Code.

BOARD OF BARBERING AND COSMETOLOGY

FINAL STATEMENT OF REASONS

Hearing Date: October 14, 2015

Subject Matter of Proposed Regulations: Demonstration of Products

Sections Affected: Section 965.1, California Code of Regulations

Updated Information

There is no update to the initial statement of reasons.

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 on other provision of law.

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

No comments were received.

BOARD OF BARBERING AND COSMETOLOGY

Division 9, Title 16, of the California Code of Regulations.

SPECIFIC LANGUAGE

LEGEND	
Underlined	**Indicates proposed amendments or additions to the existing regulation.**
~~Strikeout~~	**Indicates proposed deletions to the existing regulation.**

- **Adopt Section 965.1, Title 16, California Code of Regulations, as follows:**

§ 965.1. Persons Exempt from Licensing; Demonstration of Products.

For the purposes of Section 7319, as specified in subdivision (e) of the Business and Professions Code concerning persons exempt from the Barbering and Cosmetology Act, the term "demonstrating" means the following: performing a one-time service on a consumer, without compensation, to show how a product is used or to prove its value or effectiveness, with the intent that the consumer may later apply the product him- or herself, without the help of a licensee or product instructor.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7319(e), Business and Professions Code.

Option 1 Language

904. Enforcement

~~(a) A copy of the board's Health and Safety Rules, as specified in Article 12 of the Rules and Regulations, shall be conspicuously posted in:~~

~~(1) Reception areas of both schools and establishments, and~~
~~(2) Theory rooms of schools.~~

(a) ~~(b)~~ The holder or holders of an establishment license or a mobile unit license, and the person in charge of any such establishment or mobile unit, shall be responsible for implementing and maintaining the Health and Safety Rules in such establishment or mobile unit individually and jointly with all persons in or employed by or working in or on the premises of such establishment or mobile unit.

(b) ~~(c)~~ All licensed barbers, cosmetologists, estheticians, manicurists, electrologists, instructors, or apprentices shall be held individually responsible for implementation and maintenance of the Health and Safety Rules.

(c) ~~(d)~~ All persons performing acts of a barber, cosmetologist, esthetician, manicurist or electrologist, except students in schools, shall, upon request of an authorized representative of the board, present satisfactory proof of identification. Satisfactory proof shall be in the form of a photographic driver's license or photographic identification card issued by any state, federal, or other recognized government entity.

(d) ~~(e)~~ Failure to present valid proof of identification shall be grounds for disciplinary action.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7312, 7313, 7317 and 7404, Business and Professions Code.

905. Posting of Consumer Information Message

(a) The following consumer information message shall be ~~included at the bottom of the front page of the copy of the Health and Safety Rules, which must be~~ conspicuously posted in reception areas of both schools and establishments: ~~accordance with Section 904, in all establishments:~~

MESSAGE TO THE CONSUMER

This establishment is licensed by the California State Board of Barbering and Cosmetology. The board can address the following problems:

- Health and Safety (including unsanitary conditions and failure to disinfect instruments after each use)
- Incompetence and Negligence
- Misrepresentation or False Advertising of Services
- Unlicensed Practice of Barbering, Cosmetology, manicuring, esthetics, or Electrology ~~If you would like to receive a Consumer Complaint Guide or if you have any unresolved questions regarding services provided in this establishment, please call or write the Board of Barbering and Cosmetology at (800) 952-5210; P.O. Box 944226, Sacramento, California 94244-2260.~~
  To file a complaint, please contact the Board at www.barbercosmo.ca.gov or (800) 952-5210
  The Board's laws and regulations can be found on the Board's Web site at www.barbercosmo.ca.gov

(b) The heading of the consumer information message, "Message to the Consumer," shall be printed in at least 36 point boldface type. The body of the consumer information message must be printed in at least 14 point boldface type. The notice shall be printed on paper that measures 8 ½ X 11 inches.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 129(e), and 7404(b), Business and Professions Code.

BarberCosmo

MESSAGE TO THE CONSUMER

This Establishment Is Licensed By The California State Board of Barbering and Cosmetology. The Board Can Address The Following Problems:

- **HEALTH AND SAFETY**
  (Including unsanitary conditions and failure to disinfect instruments after each use)
- **INCOMPETENCE AND NEGLIGENCE**
- **MISREPRESENTATION OR FALSE ADVERTISING OF SERVICES**
- **UNLICENSED PRACTICE OF BARBERING, COSMETOLOGY, MANICURING, ESTHETICS, OR ELECTROLOGY.**

TO FILE A COMPLAINT, PLEASE CONTACT THE BOARD AT
www.barbercosmo.ca.gov
or

(800) 952-5210

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Option 2 Language

904. Enforcement

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~~(2) Theory rooms of schools.~~

(a) ~~(b)~~ The holder or holders of an establishment license or a mobile unit license, and the person in charge of any such establishment or mobile unit, shall be responsible for implementing and maintaining the Health and Safety Rules in such establishment or mobile unit individually and jointly with all persons in or employed by or working in or on the premises of such establishment or mobile unit.

(b) ~~(c)~~ All licensed barbers, cosmetologists, estheticians, manicurists, electrologists, instructors, or apprentices shall be held individually responsible for implementation and maintenance of the Health and Safety Rules.

(c) ~~(d)~~ All persons performing acts of a barber, cosmetologist, esthetician, manicurist or electrologist, except students in schools, shall, upon request of an authorized representative of the board, present satisfactory proof of identification. Satisfactory proof shall be in the form of a photographic driver's license or photographic identification card issued by any state, federal, or other recognized government entity.

(d) ~~(e)~~ Failure to present valid proof of identification shall be grounds for disciplinary action.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7312, 7313, 7317 and 7404, Business and Professions Code.

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- ~~Incompetence and Negligence~~
- ~~Misrepresentation or False Advertising of Services~~
- ~~Unlicensed Practice of Barbering, Cosmetology or Electrology If you would like to receive a Consumer Complaint Guide or if you have any unresolved questions regarding services provided in this establishment, please call or write the Board of Barbering and Cosmetology at (800) 952-5210; P.O. Box 944226, Sacramento, California 94244-2260.~~

This establishment is licensed by the Board of Barbering and Cosmetology
Mission: To ensure the health and safety of consumers by promoting ethical standards and by enforcing the laws of the barbering and beauty industry
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NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 129(e), and 7404(b), Business and Professions Code

BarberCosmo

MESSAGE TO THE CONSUMER

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Board of Barbering and Cosmetology

Mission:

To ensure the health and safety of consumers by promoting ethical standards and by enforcing the laws of the barbering and beauty industry

TO FILE A COMPLAINT, PLEASE CONTACT THE BOARD AT

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or

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Option 3 language

904. Enforcement

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(a) ~~(b)~~ The holder or holders of an establishment license or a mobile unit license, and the person in charge of any such establishment or mobile unit, shall be responsible for implementing and maintaining the Health and Safety Rules in such establishment or mobile unit individually and jointly with all persons in or employed by or working in or on the premises of such establishment or mobile unit.

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