

**State of California
Office of Administrative Law**

In re:
Board of Barbering and Cosmetology

Regulatory Action:

Title 16, California Code of Regulations

Adopt sections: 961

Repeal sections: 961

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

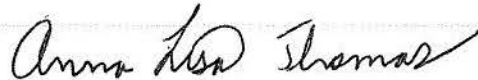
OAL Matter Number: 2022-0818-01

OAL Matter Type: Regular Resubmittal (SR)

This action makes changes to the instructional materials that board approved schools must provide to students. Most significantly, it removes the requirement that textbooks be approved by the National Interstate Council of State Boards of Cosmetology (NIC) and adds a requirement that the schools provide the appropriate licensing examination translation guide to students who intend to take the examination in one of the non-English languages offered by the board.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2023.

Date: September 20, 2022



**Anna Thomas
Attorney**

**For: Kenneth J. Pogue
Director**

**Original: Kristy Underwood, Executive
Officer**

Copy: Allison Lee

RESUBMITTAL

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2021-0831-07	REGULATORY ACTION NUMBER 2022-0818-01	EMERGENCY NUMBER SR
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Board of Barbering and Cosmetology			AGENCY FILE NUMBER (if any)

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

SEP 20 2022

1:53 PM

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2021, 37-Z	PUBLICATION DATE 9/10/2021	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Instructional Materials	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2022-0303-01S
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 961
TITLE(S) 16	AMEND REPEAL 961
3. TYPE OF FILING	
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.
<input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)
<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)	<input type="checkbox"/> File & Print
<input type="checkbox"/> Print Only	<input type="checkbox"/> Other (Specify) _____
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) August 1, 2022 to August 16, 2022 availability of modified text	
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)	
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State
<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY	
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission
<input checked="" type="checkbox"/> Other (Specify) Ryan Marcroft, Deputy Director, Legal Affairs Division, Department of Consumer Affairs	<input type="checkbox"/> State Fire Marshal
7. CONTACT PERSON Allison Lee	TELEPHONE NUMBER 279-278-5107
FAX NUMBER (Optional) 916-928-6810	E-MAIL ADDRESS (Optional) Allison.Lee@dca.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE
Kristy Underwood

DATE
8-17-22

TYPED NAME AND TITLE OF SIGNATORY
Kristy Underwood, Executive Officer, Board of Barbering and Cosmetology

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

SEP 20 2022

Office of Administrative Law

BOARD OF BARBERING AND COSMETOLOGY
Division 9, Title 16, of the California Code of Regulations

ORDER OF ADOPTION

Repeal Section 961, Title 16, California Code of Regulations, as follows:

~~§ 961. Online Training and Text and Reference Books for Students.~~

~~(a) In teaching, approved schools shall use text and reference books approved by the National Interstate Council of State Boards of Cosmetology (NIC). Approved schools may use other teaching material or on-line training programs, in lieu of the text book, under the condition that they have been approved by the NIC.~~

~~(b) Each student shall possess the following:~~

~~(1) At least one (1) of the textbooks approved by the NIC or have access to a NIC-approved online program.~~

~~(2) The Barbering and Cosmetology Act and the Rules and Regulations of the Board of Barbering and Cosmetology.~~

~~(c) There shall be available for the use of students in the school:~~

~~(1) A list of the text and reference books approved by the NIC.~~

~~(2) Any two approved texts other than the one text or online program access, possessed by the student. (Shall not apply to barber schools if there are less than three approved texts.)~~

~~Note: Authority cited: Sections 7312 and 7362, Business and Professions Code. Reference: Section 7362, Business and Professions Code.~~

Adopt Section 961, Title 16, California Code of Regulations, as follows:

Section 961. Instructional Materials

(a) An approved school shall provide a printed or electronic copy of the following to each student within the first week of instruction:

(1) At least one textbook in the course of instruction that the student is enrolled in (e.g. cosmetology, barbering, electrology, esthetics, manicuring).

(2) A current version of the California Barbering and Cosmetology Act (Chapter 10 of Division 3 of the California Business and Professions Code, commencing with section 7301);

(3) A current copy of the Barbering and Cosmetology Regulations (Title 16, Division 9 of the California Code of Regulations, commencing with section 904);

(4) A current version of any licensing examination translation guide prepared by the licensing exam vendor to assist exam candidates in the language in which the student intends to take the examination, if the student intends to take the examination in one of the non-English languages offered by the board.

Note: Authority cited: Sections 7312 and 7362, Business and Professions Code. Reference: Sections 7312 and 7362, Business and Professions Code.