

August 5, 2020

Jennifer Jones
Executive Director
Texas Sunset Advisory Commission
1501 N. Congress, 6th Floor
Austin, TX 78701

Re: Texas Department of Licensing and Regulation Sunset Review

Dear Ms. Jones;

The National Interstate Council of State Boards of Cosmetology (NIC) would like to thank you for the opportunity to provide comments on the Sunset Review Staff Report published June 2020.

The National Interstate Council of State Boards of Cosmetology is a national non-profit organization that promotes a national forum for networking and encouraging uniformity in regulation and testing throughout the United States. NIC serves and supports our partners on a national basis through collaboration to encourage and promote the protection of the health, safety and welfare of the public while promoting portability opportunities to the barber, cosmetology, manicure and esthetics professions.

NIC reviewed the staff report and recognizes the recommendation provides efforts to streamline government programs and promote standardization among the Barber and Cosmetology regulations. In addition, we concur and appreciate that the findings state “regulating barbers and cosmetologists is necessary to protect consumers from unsanitary practices”. Our response is to provide information regarding national standards in order to assist the state of Texas with the ongoing efforts to remove redundancies, streamline regulations, safeguard the public and encourage standardization in the beauty related professions.

Issue 3 – Key Recommendations

- **Consolidate Texas regulation of barbers and cosmetologists, and administer the two programs as one.**
 - NIC data show throughout the United States, twenty (20) states out of fifty (50) have separate Boards for Barber and Cosmetology programs. The combined Boards have adequate representation among the board members to ensure all professions are represented. The states that have combined boards have consistent regulations between the two professions, however curriculums have different standards depending on the scope of practice allowed for each license type under their statutes. Some states do allow for crossover hours which allows for students to apply their current training to another program.

States have differing models for their educational programs and many states allow for shared training in their classrooms if the Instructor has the appropriate credentials. Most states require Instructors to be

licensed in the curriculum they are teaching. Schools can vary in size from a very small school to a large college, and will adapt their instruction to meet the need of the students while meeting state requirements that may include crossover training among the programs.

NIC data show Forty-nine (49) states out of fifty (50) have separate license requirements for cosmetology and barbers. The scope of practice for each license type vary per state, however cosmetologists generally can perform hair, skin and nails and barbers perform hair and skin care related to shaving. Detailed information can be found on each states website.

NIC Recommendation: NIC agrees and supports the merging of the Barber and Cosmetology boards. It provides efficiencies in education, testing, administration and regulation, while providing standardization between the programs which increases opportunities for portability of the licensees.

- **Eliminate Instructor Licenses.**
 - NIC data show approximately forty-one (41) states out of fifty (50) require education and examination requirements for Instructors in the barber and cosmetology related professions.

Background

- Most cosmetology and related profession Instructors worked in the industry before going through advanced training to be licensed as an Instructor, so they have both knowledge and experience to impart to their students. While some Instructors specialize in specific areas, most are capable of teaching the full range of courses, including advanced techniques and disinfection standards. Instruction includes general lessons on anatomy and physiology, and emphasizes safety in the workplace, including the safe handling of chemicals. Instructors also closely supervise advanced students as they work on clients in schools that offer services to the public as part of the curriculum.

The progression of courses that students take is generally already set by the school, but Instructors still continually devise lesson plans that take into account new techniques and technologies in the field. Plans can also change from week to week to take into account student progress or to work around periods of practical instruction. Instructors spend considerable time ensuring classrooms are ready for students, preparing the tools and materials needed and setting up demonstrations. Many instructors also offer suggestions or help devise overall school curriculum.

As with any teacher, a cosmetology instructor (for example) spends a significant amount of time outside teaching hours with paperwork, including grading homework. Cosmetologists have a lot to learn and it isn't all about styling hair and giving facials in a practical setting; there are plenty of written assignments. Instructors assess and grade students and keep track of their overall progress. It's generally the job of the instructor to track inventory of supplies used in the classroom setting, such as hair and nail care products, and order more as necessary while staying within budget.

Financial Aid and how it relates to licensed or certified instructors

- If a state requires licensure or certification of an Instructor, accrediting agencies will require schools to hire Instructors who meet state specific requirements in order to offer financial aid to students. Schools may apply to become accredited through an accrediting agency approved by the Department of Education in order to offer financial aid. An example of an accredited agency
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is National Accrediting Commission of Career Arts and Sciences (NACCAS). NACCAS is recognized by the [U.S. Department of Education](#) as a national agency for the institutional accreditation of postsecondary schools and departments of cosmetology arts and sciences. Accreditation means that a school has met national standards of educational performance that have been established by an impartial nongovernmental agency.

NIC Recommendation: NIC does not support the elimination of the Instructor license. Students are required to pay for tuition to obtain skills and knowledge on performing services on the public while utilizing safe and sanitary practices in their businesses. Instructors guide students through text-book and hands on instruction. Instructors are relied on to stay current on new trends while promoting the most up to date disinfection procedures. Lesson planning is crucial to the education of students in all aspects of educational programs, including the beauty industries. An example of required education for students who are interested in becoming an Instructor is:

- (1) Preparation for classroom activities including, but not limited to:
 - (a) Choice of teaching methods;
 - (b) Classroom setup;
 - (c) Topic/subject matter;
 - (d) Written lesson plans;
 - (e) Student assignments;
 - (f) Materials and supplies; and
 - (g) Recordkeeping.
- (2) Presentation of information including, but not limited to:
 - (a) Lectures;
 - (b) Demonstrations;
 - (c) Questions and answers;
 - (d) Project methods; and
 - (e) Discussions.
- (3) Application of practice including, but not limited to:
 - (a) Clinic supervision;
 - (b) Classroom management; and
 - (c) Client relations.
- (4) Evaluation by the instructor-trainee of the student's understanding and performance including, but not limited to:
 - (a) Written/practical assessment; and
 - (b) Communication skills.

In addition, students are required to be prepared through their training to pass a written and practical examination to qualify for licensure as an instructor in the majority of the states.

Another model to consider is an apprentice program where individuals are allowed to learn in a salon setting while being paid for the work they are completing. Apprentice programs also have a required curriculum and the training is completed by a licensed practitioner who has been licensed for a period of time. The licensed practitioner is also required to meet various state requirements including but not limited to record keeping, lesson planning and hands on training.

Many states receive complaints from students and apprentices regarding the lack of education they are receiving by inexperienced Instructors and/or Apprentice Trainers. Investigations are completed to ensure the Instructor/Apprentice Trainer meets state requirements, whether in a school or in an apprentice salon. States also

receive reports of fraud by the Instructors and/or Apprentice Trainers regarding inconsistent reporting of hours of training completed, recordkeeping violations and inaccurate grading. Some states have created tuition recovery funds to provide options to students when it has been proven they did not receive the education they paid for, or have had some type of harm. Removing the Instructor license requirement could result in harm to students due to lack of experienced or qualified Instructors, and will create a barrier to individuals who move to another state and want to instruct in a school. As reported earlier, 41 states require education and testing for Instructors in order to ensure they are prepared to function and teach in a classroom setting.

- **Eliminate Wig-related license**

- NIC data show wig-related services generally fall under cosmetology or hair designer scope of practice and there are very few states who have a separate license for wig services.

NIC Recommendation: NIC agrees and supports the elimination of wig related services, as NIC data shows there is almost no consumer harm related to these services, and it is not regulated as a stand-alone license in the majority of most states.

Thank you again for the opportunity to present comments.

NIC encourages uniformity throughout the states by offering the national examination and providing up-to-date information to our partners through our communications and website. Our goal is to continue to support standardization to provide portability opportunities to licensees that include military and out-of-country individuals. NIC welcomes regulators, associations and individuals entering the profession or already licensed, to stay informed through the information we provide. We share information from our partners such as CDC, EPA and OSHA to support the industries who are seeking best practices.

NIC embraces the opportunity to share information and encourage best practices among states and jurisdictions. We are available to provide additional information at your request.

Respectfully,

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