



**AVEDA INSTITUTE  
PORTLAND**

Testimony: SB 217  
January 26, 2023

To Chair Dembrow, Vice-Chair Weber, and members of the Senate Education Committee:

Under HECC's current oversight of cosmetology curriculum, Oregon has been a trailblazer in creating a formula to determine cosmetology hours for theory and hands-on education. This was the backbone for the reduction in hours from 2300 to 1835 with strong reasoning and facts behind this change. This work spanned several years and was a huge success for our state and students. As other states fight to keep cosmetology a regulated industry, this has been something we can stand behind.

Shifting oversight of cosmetology curriculum from HECC and the Dept of Ed to Oregon's Health Licensing Office risks losing sight of the progress we've made toward a curriculum and hours structure backed by so much time and research.

As a school, our instructor training focuses on principles of teaching and education far beyond technical training hair and skin. We are an education facility first, not a salon. Our curriculum drives licensing, not the other way around. HLO should be able to write licensing questions from the defined topics in the curriculum, utilizing the authorized textbooks instead of changing this whole process around. If a change needs to be made, it should first go to curriculum, ensuring that it goes through the formula four theory and hands-on, then get updated on the licensure exam.

HLO has advocated for this change because of feedback to update the licensure exam and is under the assumption the whole curriculum should be moved over to HLO to fix this problem. To erase years of work by the Department of Ed and a committee of cosmetology instructors, operators and school owners and then start from scratch with the Board of Cosmetology that does not include board members with a background in education is a step backwards for our students and our industry.

Thank you for hearing different viewpoints on this bill.

Sincerely,

Ray Motameni

Aveda Institute Portland

## Testimony on SB 217

Senate Education Committee

January 26, 2023

To the Senate Education Committee,

I am writing in opposition to SB 217 because of the additional strain it puts on education for students.

I work in our Student Services department, assisting students to obtain their license and finding a career in the industry. My priority is to make that process as straightforward and timely as possible for our students and shifting the oversight of our curriculum to HLO would do the opposite.

HLO has mentioned that they would be transparent in working with the Cosmetology schools for guidance, however I have not found this to be the case. Unfortunately, there were two recent opportunities to work with cosmetology schools and they did not reach out to schools to work toward solutions, and instead doubled down and refused to review any possibilities when questioned. These two opportunities are:

- The licensure exam shutdown for 2 years during Covid. They shutdown testing for several months in 2020, then reopened under an extremely limited capacity. It was taking students several months to even schedule their exams, delaying their careers and making the studying and review process extremely tedious. There were no viable solutions to help graduates get licensed in a timely manner for over 2-years during Covid. While at the same time, PCS schools managed to continue education and graduate students with the same Covid barriers.
- HLO reported low pass rates on various written test. Testing is currently created at HLO level. We have not seen a reach out from HLO to solve this problem. Another current opportunity missed.

The main reasons that HLO has sighted for these slowdowns with testing is not having adequate facilities or staffing to keep up with the numbers coming through their facility. With the heavy workload of managing curriculum as well, I can't see this being an efficient solution for the education of our students.

When nuanced questions are brought to either agency about differences in modalities or how to proceed with certain instructor training questions for example, they have defaulted to saying that is something the other agency deals with. Having to report to different regulatory agencies where the lines are not clearly defined adds extra red tape that will further delay processes for our students.

I ask that you consider these concerns I have for our students in your decision on SB 217. Thank you for your time.

Samantha Hoffman  
Student Services Team  
Aveda Institute Portland

September 20, 2022

## **Summary of the Problem:**

Currently in Oregon there are two educational models to graduate students in the fields of hair design, barbering, esthetics and nail technology.

- (a) Minimum Hourly Training - This Educational model requires students to meet specific hourly minimums to become trained and licensed. Average cost \$15,000 - \$30,000.
- (b) Proficiency Based Training - This Educational model requires written standards approved by the commission to test and educate individuals with prior cosmetology experience to more quickly move into the workforce. Average cost \$2,000-\$15,000

After completing either of these programs all individuals are held to the same State testing standards before receiving licensing and moving into the workforce.

Currently in Oregon there are thousands of unlicensed laborers working under the table in beauty salons across the State. Approximately 70% of the workforce in this industry are immigrants often coming from other countries or moving across state lines. Although they are unlicensed they are not necessarily unskilled. In many cases the Hourly Training models require time and financial commitments that are prohibitive and in many cases unneeded. If individuals are coming from another state or another country the Proficiency model can vigorously assess the students current skill level and provide the education to bring them up to the level required to pass the state regulations. Proficiency based education models provide individuals with a fast track into the workforce without requiring redundant hourly minimums. The goal that we have in common and my passion and life work is to get skilled, licensed laborers out into the workforce. (See Exhibits and attached letter from Representative Barbara Smith Warner).

Proficiency based schools have a history of being misunderstood and have felt threatened in the past of being delegitimized. There are examples of where Proficiency based schools have been misunderstood and left vulnerable. (See Exhibit B)

## **Proposed Solution to the Problem:**

### **Proposal for a new legislative concept, Amendment of House Bill 2314 or Opposition for Senate Bill 74**

We need to bridge the gap between those regulating (HECC - Higher Education Coordinating Commission and HLO - Oregon Health Licensing Agency) and schools like ours that have graduated over 20,000 students in the last 25 years. I propose that we have an administrative collaboration between Proficiency based schools and the Oregon Cosmetology Board (which currently is within the Oregon Health Licensing Agency).

Non-collaborative regulation can leave room for vague and arbitrary decision making, costing citizens' livelihoods and their inability to have a career and become tax payers.

Thank you for your time and consideration for this legislative concept. Please contact me for further questions.

Sincerely,

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# EXHIBIT A



House Bill 2314 - Section 1  
HECC Regulation of Cosmetology Schools  
Suggested Amendment

## AMENDMENT CONTENT:

On page 1 of the bill, line 20, before the word "standards," add "hourly training requirement or student proficiency-based training requirement"

## FULL TEXT OF AMENDED LANGUAGE:

Section 1(3) will read: "Shall require the schools to teach, and require for graduation from the school, courses that meet minimum hourly training requirement or student proficiency-based requirement standards set by the commission by rule."

## RATIONALE:

- Makes explicit that there is an ongoing role for proficiency-based schools under the new standards
- Represents the intent of the underlying bill, which is to allow HECC to detail both hourly training standards and proficiency-based standards
- Rulemaking is important to proficiency-based schools
  - By creating clear standards for proficiencies and equating proficiencies to instructional hours, proficiency based schools are further legitimized. This means:
    - Opportunities for accreditation that do not currently exist
    - Opportunities to participate in federal financial aid programs
- Improves current process because proficiency-based institutions currently submit written plans to the HECC without knowing how those plans will be judged and without having clear expectations of requirements

## WHY NOT LEAVE THE PROFICIENCY LANGUAGE AS-IS (The PCS Amendment):

- Schools will continue to submit written plans without basing those plans on clear standards
- Improving standards for proficiency-based schools, if determined to be needed by health licensing authorities and the industry, is more difficult
- Institutions may lose out on accreditation and financial aid opportunities that come with meeting formal instructional hour equivalencies

# EXHIBIT B

## **Notes from HECC & Health Licensing Agency Advisory Committee Meeting – December 10, 2014**

### Attendees:

Juan Baez-Aravelo, Director of HECC and Staff  
Holly Mercer, Director of Health Licensing and Staff  
Advisory Committee Members  
Cosmetology School Owners

### Meeting Notes relating to cosmetology schools:

This was the first meeting that HECC & the Oregon Health Licensing announced that they were working together with schools. Holly Mercer, Director of HLO passed around a student's transcript questioning the validity of her training. She emphasized many times that it would be impossible for any school to grant a student graduation hours for the hair design program for only 8 clock hours. (Hair design clock hour program 1450). Both state agencies were thoroughly convinced that our school was doing something completely fraudulent. Holly Mercer used this example to point to why she had halted all testing for students two weeks prior. Any graduate coming from a Proficiency Based Training without additional grades, progress reports, clock hour print out, etc. was being turned away for licensure testing.

Why was the Health Licensing Agency requesting for this type of information when it wasn't in their jurisdiction? Why were they turning graduates away for testing when they had all the required documents?

When it was time for the public to speak, I shared that I was very happy that specific student transcript was brought to everyone's attention. I had her file with me. I shared that this specific graduate is a prime example of the type of individuals our school helps get into the workforce immediately. She had prior training from Utah in which her license lapsed and when she needed her transcript to test in Oregon, the school that she attended her training was out of business. The state licensing authority in Utah did not keep records of her transcript. Our Proficiency Based Program was able to give her a vigorous 8-hour Practical exam and 6-hour written exams and she passed with flying colors. She was able to test for licensure within weeks.

After hearing my story, both state agencies realized that they over-simplified the case without consulting with our school instead of assuming that we had done something fraudulent.

# EXHIBIT C

Examples of Individuals that went through our Proficiency Based Training Program:

1. An individual that completed her education in Utah for her complete clock hours but let her license lapse. When she wanted to renew her license, the school she attended was no longer in business. The Utah Licensing Authority did not keep records of her education. She still had her expired license. Our school gave her a vigorous eight hour Practical Exam and six additional hours of written exams. She passed everything with flying colors. She immediately went to the Oregon Health Licensing Agency, passed her two state exams and received licensure the same day. With our Proficiency Based Program, this individual (also like many others) was able to get licensed and into the workforce within a few weeks without having to pay \$12,000-25,000 to start school from the beginning. (Referenced in Exhibit B)
2. Eight Individuals approximately a few months ago were fined for working in a salon without a license. The very same day, they enrolled in our Proficiency Based Program, took their eight hour Practical Exam and six hour written exams. These individuals were trained in Mexico and had their clock hour certificates of completion. Now they will be ready to take their exams at the Oregon Health Licensing Agency and soon be licensed to work and become tax payers.
3. Many individuals come from other countries or states with years of work experience in salons. Their experience and skill level far exceeds what our State's require for training in a traditional clock hour school. The Proficiency Based Training allows many individuals to accomplish their goals of getting into the work force immediately.

All of these individuals are required to take the following exams administered by our school and at the Oregon Health Licensing Agency: Oregon Law & Safety Sanitation Exam in addition to their Hair, Nails, or Esthetics Exams.

# EXHIBIT C

BARBARA SMITH WARNER  
STATE REPRESENTATIVE  
DISTRICT 45



## HOUSE OF REPRESENTATIVES

Juan Baez-Arevalo  
Director, Private Postsecondary Education  
Higher Education Coordinating Commission  
775 Court Street NE  
Salem, OR 97301

Sylvie Donaldson  
Interim Director & Division Manager  
Health Licensing Office  
700 Summer Street NE, Suite 320  
Salem, OR 97301

August 17, 2016

Director Baez-Arevalo and Interim Director Donaldson:

I am writing to ask for your immediate attention to and action on cosmetology school issues that were brought to my concern by constituents over a year ago, and whose resolution I recently learned have made no progress in that time. Specifically, that cosmetology licensing exams be provided, as they have in the past, in alternate languages (especially Spanish and Vietnamese), and that passage rate calculations not demonstrate bias against non-English speaking students.

Cosmetology schools play a vital role in the "Middle 40" of Oregon's 40-40-20 education goals by preparing students for careers in the hair, nail, and esthetics fields. Students from diverse backgrounds seek careers in cosmetology, and many new Oregon residents apply for licenses after being trained in other states or countries. These students go on to open small businesses across the state, bringing in significant revenue through licensing fees and taxes. As the offices in charge of licensing and school oversight, your decisions on test protocols and school deputization are critical in the development of students and the foundations of their careers.

For ESL students, taking a licensing test in English, with no additional time allotment, is a challenge that leads to unnecessary test retakes and additional costs. As I have in previous conversations, I strongly urge you to consider re-implementing testing in Spanish and Vietnamese to allow students to demonstrate their mastery of subjects. Thirty-two other states test in both Spanish and Vietnamese, and the common text books, upon which testing is based, are printed in both. At a minimum, I hope that other options, like additional time, would be pursued for ESL students.

I also would urge the HECC look into adjusting its passage rate calculations. Counting one student's multiple tests against the school as additional failures, instead of a single count that the student had to take the test more than once, unfairly punishes schools who accept ESL students. With passage rates playing such a key role in the selection of deputized schools, and therefore in new school attendance, the numbers of actual students and passage rates should not be distorted.

As we near the 2017 legislative session, I will continue to monitor this and other related issues. When I first met with your predecessors in 2015, I was told to expect quick action on the test language piece, and I am very concerned that no progress has been made, and that other barriers seem to be erected for non-native English speakers. Please do not hesitate to contact me or my staff with any questions or information you have. Thank you, again, for your work to help students succeed in Oregon.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Smith Warner".

Barbara Smith Warner  
State Representative, HD 45  
NE Portland, Maywood Park and Parkrose

CC: Board of Cosmetology