

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION.

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on February 2, 1998 in Room 519-S of the Capitol.

All members were present except: All members present

Committee staff present: Ben Barrett, Legislative Research Department  
Avis Swartzman, Revisor of Statutes  
Cindy Wulfkuhle, Committee Secretary

Conferees appearing before the committee:

Representative John Faber  
Representative Bill McCreary  
Representative Brenda Landwehr  
Robert Vancrum, Blue Valley School District  
Representative Dixie Toelkes  
Representative Peggy Long  
Monica Jones, Owner of Trendsetters School of Cosmetology  
Laurie Yocum, American Academy of Hair Design  
George Smolich, Academy of Hair Design  
Judy Riggs, J.K. Primp, Sedan  
Cindy Clark, Nail Tech, Topeka  
Tammy Talkington, Hamilton  
Representative Doug Mays  
Bill Hancock, Cosmetology Schools in Wichita  
Julie Deters, Student of Community College of Cosmetology School  
Amanda Hines, Junction City

Others attending: See attached list

Representative Bill McCreary appeared before the committee with a request for a bill introduction that would make it unlawful for a teacher to serve on a school board in the district in which the teacher is employed. (Attachment 1) Representative Powers made a motion to have the request introduced as a committee bill. Representative Shore seconded the motion. The motion carried.

Representative Brenda Landwehr appeared before the committee with an bill request that would allow schools to have a moment of silence. Representative Vining made a motion to the request introduced as a committee bill. Representative Tanner seconded the motion. The motion carried.

Robert Vancrum, Blue Valley School District, appeared before the committee with two bill requests. The first would allow for a second count to be done on February 20th (Attachment 2) . Representative Shore made a motion to have the request introduced as a committee bill. Representative Franklin seconded the motion. The motion carried.

The second request would grant any school district that wanted to provide full day kindergarten the authority to charge up to their actual costs of providing the program (Attachment 3). Representative Empson made a motion to have the request introduced as a committee bill. Representative Franklin seconded the motion. The motion carried.

Representative John Faber appeared before the committee with a bill request. It would extend for 2 years the FTE numbers for declining enrollment schools and change the numbers of foreign exchange students the state will pay for. (Attachment 4) He made a motion to have the request introduced as a committee bill. Representative Stone seconded the motion. The motion carried.

Representative Toelkes requested a bill that would speed up the reimbursement process for municipalities. She made a motion to have the request introduced as a bill. Representative Shore seconded the motion. The motion carried.

Chairman O'Neal received a request for a bill introduction that would enable beneficiaries of trusts to change trustees (Attachment 5). Representative Morrison made a motion to have the request introduced as a committee bill. Representative Shore seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON EDUCATION, Room 519-S Statehouse, at 3:30 p.m. on February 2, 1998.

The Chairman requested a bill be introduced that would allow home schoolers to participate in interscholastic activities (Attachment 6). He made a motion to have the request introduced as a committee bill. Representative Tanner seconded the motion. The motion carried.

Hearings on HB 2609 - certain cosmetologists exempted from continuing education requirements and HB 2714 - Board of Cosmetology inspections and elimination of continuing education, were opened.

Chairman O'Neal explained that HB 2609 had been introduced because of an elderly constituent, who had retired from the profession, but still does hair for some of her friends in the nursing homes. The continuing education requirements are hard on her and she requested that exceptions be made.

Representative Peggy Long appeared before the committee as the sponsor of HB 2714. She stated that the bill would: place health & safety inspectors in the hands of a state employee; would remove the power of one individual to influence those who qualify to be instructors; eliminates the 20 hours of mandated continuing education; and would give those who left practice because of confusion over the continuing education the opportunity to be reinstated without a lot of red tape. (Attachment 7)

Monica Jones, Owner of Trendsetters School of Cosmetology, appeared before the committee in support of HB 2714. She believes that by passing this legislation that more students would enter into the administrative side of the field. She suggested that the Board require all schools to use the same curriculum (Attachment 8)

Laurie Yocum, American Academy of Hair Design, stated that while technology is in every business and improving everyday instructors are not allowed to use the latest teaching techniques, such as video, laser discs and SPC scanning to teach their students (Attachment 9).

George Smolich, Academy of Hair Design, appeared before the committee as a proponent of the bill. He stated that the people giving the tests are less trained than those that are taking it. He also does not agree with the mandate to have 20 hours of continuing education when the shows are just held to sell new products and do not teach anything new (Attachment 10).

Judy Riggs, J.K. Primp, Sedan, appeared before the committee in support of HB 2714. She explained that it was hard for those who live in rural areas to travel to Wichita, Topeka, or Kansas City for shows to receive their 20 hours of continuing education. She suggested that most shows do not even touch on the issue of health and safety, which cosmetologists are required to have five hours of. (Attachment 11)

Cindy Clark, Nail Tech, Topeka, appeared before the committee in opposition to HB 2609 and in support of HB 2714. She agreed with Ms. Riggs that being required to attend 20 hours of continuing education was too much and that she hadn't been to any classes where health and safety were taught. (Attachment 12)

Tammy Talkington, Hamilton, appeared before the committee in support of HB 2714. She commented that the requirement of 20 hours of continuing education has placed a financial burden on many of the hair dressers. They lose time off of work and with their family. (Attachment 13)

Representative Doug Mays appeared before the committee to give a briefing on the Post Audit Report on the Regulatory Activities of the Board of Cosmetology (a copy can be obtained by contacting the Legislative Division of Post Audit) and to talk about provisions that were in HB 2720.

Bill Hancock, Cosmetology Schools in Wichita, appeared before the committee with proposed amendments. The first would change the completion of the cosmetology program from 18 to 22 months. The second would require that instructors practice cosmetology for one year before they are licensed as an instructor and complete 300 hours of training. (Attachment 14)

Julie Deters, Student of Community College of Cosmetology School, appeared before the committee in opposition to HB 2714 because it reduces the requirements of becoming an instructor. (Attachment 15)

Amanda Hines, Junction City, doesn't believe that it is fair that one has to pay to attend cosmetology school and then pay to have more class to become an instructor.

The Chairman announced that he would appoint a sub committee to continue hearings on all cosmetology bills assigned to the committee.

The committee meeting adjourned at 5:30 p.m. The next meeting is scheduled for February 3, 1998.

# HOUSE EDUCATION COMMITTEE GUEST LIST

DATE: February 2, 1998

NAME	REPRESENTING
Kelly C Mumford	Community College of Cosmetology
Julie Deter	Students of Cosmetology
Larry Mumford	" " "
Susan Dieker	Community College of Cosmetology
Chris Dieker	" " "
Cindy Clark	SELF & HB# 2714
Pam Ahung	Self
Sharon Kross	19 <sup>th</sup> St. Hair Station
Marie Plinsky	Hair Expressions
Carlene A Perez	Hair Expressions, Inc
Sandra Gasser, L.E.	State Board of Cosmetology
Rogers Handler	State Board of Cosmetology
Brandi Flett	Student of Cosmetology
Linda Holson	self-employed hairdresser
Sandra Martin	student of cosmetology
Gerrie Dippert	KSBOC
Rosie Jay	Bd. of Cosmetology
Glenda Cramer	Bd. of Cos.
Paul Fulgham	Bd. of Cos.

# HOUSE EDUCATION COMMITTEE GUEST LIST

DATE: \_\_\_\_\_

NAME	REPRESENTING
Judy Regis	myself & Long Bill
Jane Edwards	Longs Bill
Candyn Dwyer	KDHC
George Spickard	Academy of Hair Design
Cindy Amojich	Academy of Hair Design
Don Deane	Academy of Hair Design
Joely Roberts	Indian Hills Styling Salon
Mrs. Ann Hartman	self
Norma Leber	Curl up & Dye
Jimmy Heikkinen	Jimmy's Design IT
Vivian Forbes	American Academy of Hair Design
SARA L. PILAUD	AMERICAN ACADEMY OF HAIR DESIGN
Jenny L. Miller	self-
Mary Kay Mitchell	Cleric College of Hair Design
Joe Hancock	Superior Co
Bill Hancock	College of Hair Design
Deanna Long	Legislators



# HOUSE EDUCATION COMMITTEE GUEST LIST

DATE: \_\_\_\_\_

NAME	REPRESENTING
Sheri Graef Graefe	Rep. Horst's intern
Monica Jones	Trendssetters, Inc.
Lilly E. Lauffs	" "
Alan Rign	Sedon
Debbie Dunkin	Kaw Valley Hair Company
Bonnie Freed	Kaw Valley Hair Co.
A.R. Ke	State Government
Dicki Lynn Kessel	Budget
Lauraine Fenoglio	Lookin Good Hairstyles
Renee Albney	A Total Image Salon
Shirley Myers	A Total Image
Doree Duke	Rep. Peggy Long's Intern
Maxine Schwalm	Lookin Good Hairstyles
Carol Haney	lookin Good Hairstyles
Connie Kichler	Vanity Beauty Shop
Arachyn M. Modlen	Vanity Beauty Shop Lawrence Ks 66044
Helyn Hawkins	Vanity Shop Lawrence Ks 66044
<del>Arachyn M. Modlen</del>	Trendssetters Inc.
Natalie Reepin	Federico Consulting

PROPOSED BILL

Concerning: Teachers Serving on School Boards

Be it unlawful for a teacher to serve on a school boards in the district in which the teacher is employed by that board.

BY: BILL McCREARY

SUMMARY OF PROPOSED BILL  
ESTABLISHING OPTIONAL SECOND ENROLLMENT DATE  
FOR PURPOSES OF  
SCHOOL DISTRICT FINANCE

Blue Valley School District  
Robert J. Vancrum, Government Affairs Specialist

The reason for this bill is fairly simple. Base state aid per pupil which is the bulk of funding provided to school districts, is determined for most school districts based upon one count of students conducted on September 20<sup>th</sup> of each year.

In a growing school district such as Blue Valley that has averaged well over 800 new students each school year for the last seven or eight years and expects to have the same kind of explosive growth, the count at the very beginning of the year certainly underestimates the operating budget necessary to operate for the following year.

The requested bill would provide that any school district that chooses to do so, may request a second count on February 20<sup>th</sup>. In the event such second count produces a higher number, the increase in enrollment would be counted at 0.5 pupils for reimbursement under the formula. This would in effect, reimburse the district for a higher number of students for the second semester.

SUMMARY OF PROPOSED BILL FOR  
REIMBURSABLE FEES TO  
SUPPORT FULL DAY KINDERGARTEN

Blue Valley School District  
Robert J. Vancrum, Government Affairs Specialist

The Blue Valley School District is one of the fastest growing school districts in the State of Kansas because we encompass most of the rapidly developing residential areas in the Overland Park and Leawood, Kansas. Most of our families are two income. As such, many of our kindergartners begin instruction in the morning and then go into some kind of day care or private educational facility.

We are certain there is a strong demand for full day kindergarten in our area. Nevertheless, we have no ability to provide full day kindergarten unless the funds are being diverted from some other child's educational experience:

**The requested bill would grant any school district that wanted to provide a full day kindergarten the authority to charge up to their actual costs of providing the program, such fees to be treated as reimbursements to the general fund. This would also allow them to exceed their budget authority by the amount of the revenues raised.**

::ODMA\PCDOCS\CWDDOCS\4807\1



February 3, 1998  
Committee Bill for Education

Proposed change for low enrollment schools which are experiencing declining enrollment.

Proposed change in the numbers of foreign exchange students the state will pay for.

This bill would do two things:

1. It will extend for 2 years, rather than one year, the FTE numbers for declining enrollment schools.
2. Pupils who are foreign exchange students and whose enrollment is in excess of 1% of the total enrollment of a district shall not be counted for purposes of school finance.

Bill to Amend K.S.A. 58-2412

AN ACT concerning *trusts*, removal of trustees and appointment of successors; amending K.S.A. 58-2412 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 58-2412 is hereby amended to read as follows: 58-2412. ~~Trustees having violated or attempted to violate any express trust, or becoming insolvent or of whose solvency or that of their sureties there is reasonable doubt, or for other cause, in the discretion of the court having jurisdiction, may on petition of any person interested, after hearing, be removed by such court, and all vacancies in express trusteeships may be filled by such court.~~

(a) K.S.A. 58-2412 shall be liberally construed to promote its underlying purposes and policies.

(b) The underlying purposes and policies of this act are to protect beneficiaries of trusts governed by Kansas law from (1) insolvent or incompetent trustees and (2) the unforeseen consequences of having an originally named corporate trustee being acquired by an out-of-state financial institution or holding company. The appointment of successor trustees should be encouraged so as to permit beneficiaries to continue to receive the the same level of services and attention they had been receiving prior to the transfer of ownership of their trustee to an out-of-state financial institution or holding company.

(c) When a trustee is or becomes an incapacitated person, becomes insolvent or there is reasonable doubt as to the solvency of the trustee or the trustee's surety, or is otherwise incapable of performing the duties of the trustee, the trustee may be removed.

(d) When a trustee has violated or attempted to violate any express trust or fails or refuses to perform any of the duties imposed upon the trustee by law, by the provisions of the trust instrument or by any lawful order of the court, the trustee may be removed.

(e) If, upon petition of any beneficiary currently receiving or entitled to receive a distribution of principal or income from a trust requesting appointment of a specific successor trustee, the court having jurisdiction over a trust finds that:

(1) The administration of the trust or the trustee's relationship with the beneficiaries has been adversely affected by a transfer of ownership of trustee to an out-of-state financial

institution or holding company;

(2) appointment of such requested successor trustee or trustees would not jeopardize the purpose of the trust; and

(3) appointment of such requested successor trustee would be in the best interest of the petitioner and all other parties concerned;

the court, after due notice to all persons, or the representatives of persons having an interest in the trust, may appoint a specifically requested trust company, bank, national banking association, savings and loan association or savings bank which has trust powers and its principal place of business in this state as successor trustee, regardless of the absence of any provision in the trust instrument for removal of trustee or appointment of successor trustee or the existence of any limitation in the trust instrument regarding the identity or qualification of a successor trustee. The court shall also fashion such other relief as it deems appropriate in the circumstances, including the awarding of reasonable attorneys fees. If the current trustee is ordered to be removed, it shall not charge its fees for defending the petition to remove it against the trust. The removed trustee may charge a reasonable fee to cover its expenses for transferring trust assets to the successor trustee. The removed trustee shall not absolved or discharged from any duty to account required by K.S.A. 59-1709 and amendments thereto, or any other applicable statute, rule of law, rules and regulations or court order, nor shall the removed trustee be absolved from any breach of fiduciary duty or obligation occurring prior to the effective date of its removal as trustee, which, for purposes of this section, is the date the removed trustee's final accounting is approved by the court.

(f) The right to file a petition under this subsection shall be in addition to any other statute, rule of law, rules and regulations, r court order, or by the writing creating the trust.

(g) For purposes of this Act, the term "out-of-state financial institution or holding company" shall mean any trust company, bank, national banking association, savings and loan association or savings bank which has trust powers and either (1) its charter is granted by a state other than Kansas; (2) its principal principal place of business is located in a state other than Kansas; or (3) it is owned by a holding company whose principal place of business is located in a state other than Kansas.

Sec. 2. K.S.A. 58-2412 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication.



## Home School Interscholastic Activities

This Act amends state statutes to permit children who are home schooled to participate in interscholastic athletic competition activities on behalf of public schools. The Act prohibits school districts from contracting with private entities that supervise interscholastic athletic competition activities if the private entity prohibits the participation of home schooled children in interscholastic athletic competition activities.

Submitted as:

Arizona

ARS 15.802.01

Status: enacted into law, 1997.

### Suggested Legislation

(Title, enacting clause, etc.)

1           Section 1. [*Short Title.*] This act may be cited as "An Act to Permit  
2 Home Schooled Children to Participate in Interscholastic Athletic Competi-  
3 tion Activities on Behalf of Public Schools."

1           Section 2. [*Children Instructed at Home; Participation in Interscho-  
2 lastic Activities.*]

3           A. Notwithstanding any other provision of law, a child who resides  
4 within the attendance area of a public school and who is instructed at home  
5 may be allowed to participate in interscholastic competition activities on  
6 behalf of the public school. If a school declines to allow children instructed  
7 at home to participate in an interscholastic activity, the children instructed  
8 at home who reside within the attendance area of the school may be al-  
9 lowed to participate in the interscholastic activity on behalf of any other  
10 school. The [state board of education] shall adopt rules prescribing proce-  
11 dures for the participation of children instructed at home in interscholastic  
12 competition activities, including, if necessary, requiring the child to take a  
13 nationally standardized norm-referenced achievement test or academic  
14 evaluation for verification of academic performance. The rules adopted by  
15 the [state board of education] shall provide that a child who is instructed at  
16 home and who was previously enrolled in a school shall be ineligible to  
17 participate in interscholastic activities on behalf of a different school for  
18 the remainder of the school year during which the child was enrolled in a  
19 school.

20           B. A school district shall not contract with any private entity that  
21 supervises interscholastic athletic activities if the private entity prohibits  
22 the participation of children instructed at home in interscholastic athletic  
23 competition activities.

**Home School Interscholastic Activities**

1 Section 3. [*Effective Date.*] [Insert effective date.]



TOPEKA

HOUSE OF  
REPRESENTATIVESCOMMITTEE ASSIGNMENTS  
AGRICULTURE  
ECONOMIC DEVELOPMENT  
FEDERAL AND STATE AFFAIRS

PEGGY LONG

REPRESENTATIVE, 76TH DISTRICT  
HC-1, BOX 58  
HAMILTON, KANSAS 66853  
(316) 678-3826ROOM 181-W CAPITOL BLDG.  
TOPEKA, KANSAS 66612  
(785) 296-7667

**TESTIMONY IN SUPPORT OF HOUSE BILL 2714.  
HOUSE EDUCATION COMMITTEE  
FEBRUARY 2, 1998**

Thank you Mr. Chairman and members of the committee for allowing me to come before you today to address an issue that has held nearly 25,000 business people and their families across the state in limbo for sometime. I feel that it is necessary to try to give you a brief understanding of this issue since it did not go through the Education Committee last year.

Before session last year, I was contacted by a constituent about a bill that was passed in 1995 and how it was affecting cosmetologists. This bill changed the structure of licensure for instructors, created a tracking agency for continuing education, and mandated twenty hours of continuing education every two years for cosmetologists.

The complaint that was registered by my constituent and so many others, was that continuing education was merely a sales presentation by suppliers of products and that it often did not pertain to what they needed to know in the profession and rarely dealt with health and safety. For example, one woman stated she paid fifty dollars for a five hour course which taught her how to use a cappuccino machine! This is by far not an isolated incident.

My bill in 1997 reduced the necessary required number of hours to five annually and specified that they be health and safety related. It also eliminated the tracking agency which was making a lucrative profit. My bill was passed into law, but the State Board of Cosmetology challenged its constitutionality and the Attorney General issued the opinion that it was unconstitutional on the grounds that it did not allow the board enough time to adjust to the change. Although the Attorney General's opinion was non-binding and was not challenged in court, the board continued to mandate twenty hours of continuing education. They did, however, state that five hours had to be regarding health and safety concerns. When I called the State Board and asked how they were handling that, I was told by a high standing member of the agency that they had decided the current education dealt adequately with health and safety issues.

Since that time, I have been given opportunity to see other problems that were created by the bill passed in 1995. By creating a more complex web of testing for an instructor's license, it gave the then director of the agency opportunity for a new career. She was able to work for the new training agency for licensure at the same time she was drawing full time pay at the State Board plus make some charges for expenses from both agencies simultaneously. This also gave her a great deal of power

to control who got licensed as instructors and who did not. I feel this power is still impacting the cosmetology profession today.

I stand before you with confidence stating that currently there is great dissatisfaction from.

- The staff of the State Board of Cosmetology, who have merely tried to do their job, but claim to have suffered from the repercussions of extremely poor decisions made by their superiors,
- Several inspectors, who have complained about the treatment they have received as employees of the agency,
- The majority of school owners who are tired of being manipulated by the changes in the system, and
- The many stylists, some of whom have had to give up their license and therefore a portion of their lively hood because of the confusion over continuing education, the lack of it in their areas and the poor supervision of a faulty idea.

My current bill will :

- Take us back to the law preceding the mess that was created by the bill passed in 1995,
- Eliminate some bureaucracy and a lot of confusion by changing the licensure for instructors and the approach to education on sanitation and health.

Today you will hear testimony that we need continuing education for health reasons. I agree with that, but that was stated to be the intent the first time continuing education was requested and it does not appear that their concept was sincere. Big dollars were made by mandating that stylists come to a sales presentation, pay to get in, and then buy products before they leave. My bill will put the issue of health and safety in the hands of the inspectors of the shops who are trained and willing to teach it. I have been told that the inspectors were advised not to answer questions, or give instruction about health matters.

This bill :

- Places health and safety in the hands of a state employee - the inspector.
- Removes the power of one individual to influence those who qualify to be instructors by changing the requirements to become an instructor.
- Eliminates the opportunity for misuse of big business over small shop owners through the removal of 20 hours of mandated continuing education.
- Gives those who have given up their practice because of the confusion over continuing education an opportunity to be reinstated without a lot of red tape.

It does not eliminate the board of cosmetology, change its structure, or change the location of the inspectors.

Your support of HB 2714 will enable ethical practices to return to the cosmetology profession, and ensure that cosmetologists across the state can stand along side others of similar professions and say that they have the knowledge, experience, and ability to appropriately serve their customers to the best of their ability without inappropriate government intrusion and mandates.



I now turn testimony over to those who know the industry best; qualified people who work in the profession. I will be happy to answer any questions and thank-you again for your time.

Monica D. Jones  
President, Trendsetters, Inc.  
120 W. 6th  
Junction City, KS. 66441  
(785) 238-8454

SUBJECT: BILL NO. 2714

I'm in favor of Bill No. 2714. With the law as it is written, a student who has just completed cosmetology school has in most cases done it while working a part-time job, is now deterred from becoming an instructor by requiring that they now continue for 600 hours, approximately 4 additional months before they can earn a full-time wage in this industry. Therefore, shortening the time span between graduation and actually earning an income as an instructor in the cosmetology field will be an incentive for more students to enroll in the instructor's course.

I feel that with the passing of this Bill No. 2714, more students will enter into the administrative side of the cosmetology field, and with this increase of enrollment the Board will see an increase of funds needed to support its purpose.

I also feel that with the passing of Bill No. 2714, School owners should adopt one curriculum approved by the Board and implement the same program in every school. This is one way of insuring that every instructor is receiving the same level of education, which is not the case today. Yet, if this Bill No. \_\_\_\_\_ is passed I voluntarily submit my curriculum that has been approved by the Board and the Veteran's Administration to serve as a guideline for the Board.

Last, but not least, I feel that the passing of Bill No. 2714 will eliminate the school owners frustration of having to re-educate and train an instructor that the Board has labeled qualified and licensed. With the passing of this Bill No. 2714, I, the school owner will be able to educate, train, and now qualify an instructor according to the needs of my school, and therefore, a graduated student will see the Instructor's Program as an incentive offered by the schools and not as an added period of time for which they will not be able to earn income within this industry. We need more incentives to keep qualified students as instructors in this field!

The American Academy of Hair Design  
901 SW 37<sup>th</sup> Street  
Topeka, KS 66611  
Laurie Yocum/Owner-Director

I am currently co-owner and director of the American Academy of Hair Design that has been in business for over 18 years. I speak out in favor of House Bill #2714.

There are several problems with the current law requirements for cosmetology entry-level instructor testing. An outside agency has been allowed to require instructor teaching standards that were established without input from any Kansas cosmetology schools. The current testing company requires teaching formats for testing that do not utilize today's technology. Portions of the current examination are subjective in nature. The state board of cosmetology has not set-up a procedure to handle complaints for licensed cosmetologist candidates taking the exam. The demand for instructors in Kansas (only approximately 25 schools) is not enough to establish a "pool" of licensed instructors that can be hired when vacancies occur.

The cosmetology field is an ever-changing industry. New techniques and procedures are constantly being created that schools can either chose or not chose to use in their teaching methods. The current testing agency requires a specific format be followed for each section of their test. By allowing an outside agency to decide the standards for testing instructors, we are limiting the schools to a "specific" format they must follow for their teaching methods.

One of the unique characteristics of cosmetology is the constant development of new and improved methods for hair styling, hair cutting, chemical treatments, etc. Two schools may have completely different teaching styles that are applicable to their teaching methods. By allowing a set standard for testing "teaching formats," we are creating an unfair setting to the instructors taking the exam and limiting the schools approach to cosmetology training.

For example, the newest teaching methods for classroom instruction involve the latest video technology. Instructors use laser discs players and SPC scanning (instructor guides) to access instruction procedures and visual aids on overhead viewing monitors. These same instructors that are trained by the school to these newer methods must then attempt to write an entirely different instructional outline and retrain themselves to standards set by the testing company. They are then forced to use antiquated methods like "flip-charts" or handout sheets.

Although there may be schools who currently use these types of teaching methods, the testing agency is severely limiting or "penalizing" those schools who choose to use newer methods. In order to ensure their instructor's are able to meet the established standards, the schools are then forced to establish two different "instructor training" courses. One that will be used in their school and the other that will satisfy a standard set by an outside testing agency.

Another concern for allowing an outside agency to provide a testing standard for cosmetology instructors is the style or "type" of testing being used. All of our instructors that we hire are licensed cosmetologist by the state. They have already effectively passed the testing required to prove they know the methods for performing cosmetology. As a school, we then take the responsibility to train a person as an instructor. How would a testing agency ever be able to judge a person's ability to effectively *teach* cosmetology?

One method to test instructors is to ask "objective" questions about cosmetology procedures that should already be known by licensed cosmetologists. Another method would involve "subjective" testing where an individual rates a candidate according to their judgement of skills used in a classroom setting. To effectively measure one's ability to instruct takes a considerable amount of monitoring by our current instructor trainers. We feel this responsibility of establishing instructor requirements should be left to the schools and not a testing agency. It is unlikely that any subjective type test would be accurate in measuring one's ability to instruct cosmetology.

Currently, the state cosmetology board has not established a documented procedure for handling any testing complaints. If the state board of cosmetology decides to rely solely on the testing agency for matters concerning cosmetology instructor examinations, the state should make efforts to provide a procedure for any issues raised by the school industry. Currently, the cosmetology board relies solely on the testing agency for any complaints raised about the instructor test being administered. Following this process, the testing agency becomes the party that will review or handle complaints against themselves. We in the school industry find this a conflict of interest.

One of the most important issues that can be raised about the current cosmetology instructor testing is the effect on the schools employing the instructors. Before the state board established any teaching standards, the effect on the schools should have been considered. If there were a need for thousands of licensed instructors (open employment positions) by cosmetology schools, the candidates themselves would take the responsibility to meet whatever requirements were established by the state. The demand for licensed instructors would create the motivation for cosmetologist to become trained and licensed in the instructor field. The simple business cycle of "supply and demand" would create a pool of qualified workers. Schools owners have found this not to be the case. Due to the small number of schools that are in Kansas (approximately 25) there is *not* a need for a large number of trained and licensed instructors. There is not a pool of trained and qualified licensed instructors to choose from. Licensed cosmetologists *are not* rushing to take the instructor's exam due to the small number of open positions available for their employment.

The opposite is true of employment for licensed cosmetologists. The large pool that exists for salon employment far outweighs the number of available instructor positions. This lack of available instructor positions compared to "salon-type" employment forces each school to interview, select, and then train their own candidates. Due to the large imbalance of the two types of employment for licensed cosmetologists, individuals are not going to work for free with only the *possibility* for employment as a cosmetology instructor. During this training time period each school is forced to take on the liability of paying employees to be trained.

Following this training period the school then must make efforts to ensure their candidates pass the outside testing agency's requirements. Now that the school has taken the time to make sure their instructors meet their requirements, they are put in a precarious position. If the instructor fails the exam, do they fire the individual because they are unable to meet the standards set by the testing company even though they have met the requirements established by the school (which in some cases, could be higher standards, depending on the teaching method used)? If they do fire the individual, they must then start the cycle over again.



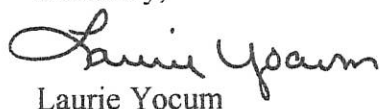
This current instructor-testing requirement could even go so far as to shut down a school because they are not able to hire licensed instructors (the current law requires a minimum number of instructors per number of students). A pool of licensed instructors simply does not exist prior to the need of the open position. This could force schools to either be over staffed to avoid such a situation or they will be forced to operate without licensed instructors. There are probably not many schools that have the ability to forecast the future of their employees. Families move and careers change and the schools are unable to know when this will happen.

Since the cosmetology industry is a private industry, the responsibility for instructor qualifications should be laid heavily on the schools and not independent, outside agencies. The state of Kansas has already established standards and requirements for licensed cosmetologists. A school's success rate is driven by their ability to train qualified students able to pass the licensing exam. Schools are therefore driven to ensure that they have qualified teachers that meet their own standards. If standards were ever to be set on cosmetology instruction, they would have to be very limited due to the large range of teaching methods available.

In conclusion, the current instructor examination requirements have greatly caused critical problems for the school industry in the short time period they have been in effect. Too many issues have been raised that greatly affect individual school operation. School owners understand that this was not the intent of the law when it was changed, but the results cannot be disputed. The lack of available licensed instructors along with the subjective testing methods being used put the school industry in situations that could cause school closures. We feel the instructor requirement should be established as written in House Bill # 2714.

Thank-you for your time and interest in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Laurie Yocum".

Laurie Yocum

THE ACADEMY OF HAIR DESIGN  
115 South Fifth Street  
Salina, KS 67401  
George Smolich/Owner-Director

HOUSE BILL #2714

I have worked as a school and salon owner for the past 30 years and speak out in favor of House Bill #2714.

As our KS State Board pass-rate shows, our system of training students has been a successful one. We are in favor of hiring a cosmetologist who has actively worked in the industry for a least one year and giving them 300 hours of training in our school. We do not need our instructors tested by the Board of Cosmetology.

**WE ARE NOT IN FAVOR OF KS STATE board TESTING OUR INSTRUCTORS!**

--As instructors of such a diverse practical course as cosmetology, how can and outside group judge the capability of our teachers. The raters have less training in classroom presentation and lesson planning than the instructors taking exams. Few, if any hold instructor license and have no experience of their own.

--Methods of instruction should not be directed or limited by any governing agency. For instance flip charts have long gone by the wayside. We are using the latest teaching aid--the Lazor Disc Video. We also use videos, overhead projectors, mannequin & live demonstrations, followed by hands-on practice by the students. Should we train our instructors to use flip charts(required to pass the Board's test) when we do not generally utilize them at our school? We also have a National and International Educators come into our school for updated training programs twice a year for our staff. Our continued education program is acceptable by our Accreditation Agency and goes beyond what is expected by our State Board.

--It is impossible to judge any persons ability to relate subject matter and practical techniques during a test situation.

Each person hired as an instructor has previously passed the Board's exam for performing the art of Cosmetology. They can perform as a Cosmetologist. It is only through observing and working with a person that you can judge whether the desirable traits of an instructor are present. Caring, courtesy, patience, the genuine desire to see that a student learns what is necessary to succeed. We have had instructors who were a little clumsy at first at getting the subject matter across, but had such a caring personality that they were able to overcome their limitations,. Should they not be allowed a license by a Board who could only see a nervous and clumsy delivery in a test situation?

THE ACADEMY OF HAIR DESIGN  
THE ACADEMY OF HAIR DESIGN  
115 South Fifth Street  
Salina, KS 67401  
George Smolich/Owner-Director

--It will cause a hardship for school to find instructors for training knowing they will have to undergo another testing process and not knowing if the job is secure--they may not pass the test.

--As an education provider, we have very astringent guidelines to follow from our Accrediting Agency and the US Department of Education for our instructors to follow. Our lesson plans, curriculum, tests and class schedules are scrutinized very closely during our re-accreditation process and on-site visits. These education specialists are in our school for a week observing classes and the working of our school. We are sure that our instructors are doing their jobs to the benefit of our students. It is how we successfully stay in business!

**WE DO NOT AGREE WITH MANDATORY CONTINUED EDUCATION FOR LICENSED COSMETOLOGISTS.**

--We had tow calls today from past graduates who cannot take a job due to this new continued education rule that has been put together by our State Board.

One girl has been working in Nevada and wants to move back to Kansas to be near her family. She has been actively working in a salon for about 3 years. She contacted our State Board. They informed her that she has to move back to KS; wait to attend 20 hours of cosmetology training seminars, then send her fee in for a license. She will be out of work for months and has no source of support aside from herself.

The other girl graduated four years ago, worked for two years, and has been working at a non-cosmetology related job with her husband. A job opening has come up, she wants to take it, but will not be able to fill the position because she has not gotten the required continuing education required for license renewal.

Sincerely,  


Hello!

I'm Judy Riggs from Sedan in the southeast part of our great state. I have been a cosmetologist for 28 years this coming June. I own my own shop and have had many of the same customers for the last 25 years.

We spend 1500 hours in school to learn our profession. The basic scientific knowledge hasn't changed. Yet, one day we are surprised and told we need 20 hours of continuing education to renew our licence. You wonder where can you get these hours? How can you fit it into your schedule? Because we don't all live in Wichita or Kansas City, we can't just run down town to get a couple of hours of continuing education every Monday. I hate to give up my week ends with my 9 year old son and my husband of 25 years to go to a show where I probably won't learn anything reasonable to use in my shop.

There is concern today about the break down of the family. Both parents go off to work each day. It doesn't leave much time to be together. A lot of families have only one parent which makes time together even more precious.

When government passes laws requiring continuous education hours in a profession that is not life endangering, I believe they have been misinformed. Hearings in March of 1995 indicate no confirmed cases of disease being caused by cosmetologist.

Our time as parents should be spent with our families, not tripping over the state getting Continuing Education hours originally designed to create dollars for supply companies and a few choice individuals. I quote from a paper sent out by the board of cosmetology in June 1996, "And if you work 40 hours a week, 50 weeks a year, for two years, 20 hours really does equal only .005% of your work time. Does the time it takes to get to these CE hours count? What about the expense to acquire these hours? We either absorb the cost or pass it on to our customers. Throughout our state there is a wide range of economic environments. We are not all able to raise our prices every few months to cover these overhead expenses. The cost of Continuing Education hours has steadily gone up since the onset.

I consider myself a professional, and I am proud of what I do. I don't feel any more of a professional today than before the bill was passed requiring 20 hours of Continuing Education. In the same letter I quoted earlier, they say, "We join the ranks of doctors, nurses, etc." I'm not sure that is an accurate comparison, even though, I tell my clients I can help them feel better with a clean head, pretty hair, and good company, and it doesn't cost nearly as much!

Our basic scientific knowledge has not changed. However products do change every day. We should not have to pay a company to detail their product and then have to pay for the product. Most companies have sales persons to detail their wares and they pay to promote products at shows. Maybe we are being discriminated against. Anyone can stop by a drug store or many professional beauty supply stores and pick up perm or color on their way home. These individuals can use these products without any formal training. We have gone to school to be knowledgeable of different types of hair. Our knowledge allows us to analyze each head of hair to perform the best procedure for that particular client. It is the client's choice where they want to go for a hair cut, perm, color, etc. It is their privilege to choose! We as professional cosmetologist have the responsibility to use our knowledge and experience for the needs of that client. If the service is not satisfactory, the client will go elsewhere. The cosmetologists I have talked to throughout the state all attend classes they feel they need, but each person's needs may be different. The requirement to attend a Continuing Education class should be a responsible

business decision to benefit that individual's business, not a mandated class that will benefit neither the business or client.

A lot of cosmetologists have relinquished their licences. Many senior cosmetologists have been denied their licence because they were unable to travel to get their 20 hours. I'm sure these people were doing just their few cliental who were still able to come to them. It seems very degrading to have your career ended this way. These ladies have worked harder in their years than I will. Our products have improved over the years and our equipment and conditions are better today.

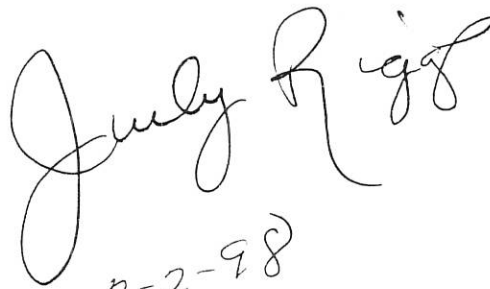
I've been in business for 25 years in the same wonderful little shop! I've had many of the same clients for those years. Some of them have passed on and some I visit at the nursing home to do their hair. I am very proud of this cliental. It was not built with continuing education, but hard work, care, and striving to meet their needs.

We need to be responsible and we need to enforce the rules and regulations we already had before the 1996 Continuing Education requirements. If we enforce these rules and regulations, I believe we can continue to be a responsible profession serving cliental from a wide economic base with safety. Shops and operators can choose the education they need for their individual clients wants and needs.

Thank you for your time and allowing me to be here today to voice my opinion.

Mrs. Judy K. Riggs  
J. K. Primp Corner  
Rt 1 Box 180  
Sedan, Kansas 67361

ph 316-725-5138

  
2-2-98



MINUTES OF THE HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES, Room 423-S State Capitol, at 1:30 p.m. on March 14, 1995

Nebraska, Ohio, and South Carolina.

Cathy Ferguson, President, National Cosmetologists Association of Kansas, presented testimony strongly supporting continuing education and urged passage of the bills heard (see Attachment 8).

Linda Mortimer from Derby, testified that she has owned a salon since 1979, and employs 10 people. She related that she has hired students right out of school, who in the first year turn to teaching cosmetology without a good background of the business.


Representative Landwehr stated that she appreciates the need for the bill and asks if it is known what the continuing education will be. Mr. Meacham replied that the State Board will determine the curriculum.

Representative Wells asked how "inactive" is defined--are those the ones who operate from their homes and are they counted in the survey? Mr. Meacham replied if they are not in a licensed salon, they are not counted. Representative Wells asked what legal recourse does an individual have if hurt by a cosmetologist? Mr. Meacham said probably suing for damages and making a complaint to the board.

Representative Geringer asked how many cases of disease have been reported involving cosmetologists. Ms. Shobe answered no cases of HIV have been reported; 2 cases of Hepatitis are being investigated; and because tuberculosis can be air borne, it would be hard to trace source of infection and so there are no known cases reported.

*News  
from the*

**Kansas Board of Cosmetology**



**The Basics: 20 clock hours  
over two years**  
--or--  
**.005 % of your work time**

Starting July 1, 1996 Kansas cosmetologists join the ranks of doctors, nurses, optomistrists, physical therapists and others in having the opportunity to get credit for improving and upgrading their skills through continuing education. Many other professions whose members come into physical contact with members of the public, also have continuing education requirements in order to keep their members' abilities current.

The requirement is that each cosmetologist take 20 hours of continuing education over the two years of their license. Most of you already attend shows and the like, many of which will count toward CE credit, so you will likely not need to do much more or much different than what you are already doing. See "Myths and Realities" in this newsletter.

And if you work 40 hours a week, 50 weeks a year for two years, 20 hours *really does* equal only .005% of your work time.

**Myths and Realities**

Several cosmetologists have called the office and expressed a variety of concerns, including a number of myths and rumors that should be laid to rest.

**Myth:** Continuing education won't be offered in my area of the state.

**Fact:** The cosmetology schools, several community colleges, the National Cosmetology Association of Kansas, and most distributors through their product shows will offer a wide variety of credit opportunities throughout the state.

**Myth:** Continuing education will be expensive.

**Fact:** The National Cosmetology Association of Kansas will frequently provide credit opportunities for its member for free. It is anticipated that schools and community colleges will charge only a nominal fee. And the cost of credit opportunities at distributor product shows will likely be within the cost of the show tickets.

**Myth:** This was done in secret; we weren't informed.

**Fact:** Continuing education was passed by the legislature in 1995, after several public hearings by legislative committees. Information about the process was spread by the cosmetology association, several distributors and the Board. One committee hearing was covered on a major television station.

**Myth:** This is just another way for the state to get our money.

**Fact:** The \$15 registration fee is not paid to the board, but to a contractor, Education Data Inc., to cover administrative costs and to provide you with semi-annual status reports.

**Myth:** I've had the same customers for years. This won't do

TO WHOM IT MAY CONCERN

My name is Cindy Clark. I am a Licensed Manicurist in the State of Kansas. I have held this license for 8 3/4 years.

I believe in educating one's self to stay on top. I however do not believe in the way the state has done it or how H.B. #2609 proposes it to be done.

These classes are a joke. I have yet to see any health or safety in any class I have attended and I hold over 26 hours of continuing education.

Please!!! Stop the madness. The only people getting anything out of this is the Supply Houses and the Vendors.

Thank you.

Cindy Clark



us bill needs to be passed and put into law to correct some mistakes which have hurt  
ople in this profession of Cosmetology.

Continuing education as required in the past & in the manner required has put a financial  
burden on the licenses to the point of having to give up their personal license or their salon  
license or both. Operators which have held a license for some 40 years or more have had  
to drop their license or go inactive, which means they cannot work any longer.

Example: One lady approximately 80 years old which did 4 people a week around her age  
that would not go to anyone else. Husband had passed away with no retirement to leave  
her. Her car caught on fire and she could not afford to replace it. When she had to go to  
the Dr. or to education classes she had to pay a lady \$40.00 to take her. Her income from  
the ladies she did helped her to purchase food and gave her some companionship. The  
cost of continuing education classes and expenses associated with it was way more than  
she made. This took away from her living expenses. Did she deserve to be told she could  
no longer work in her profession after complying with the laws and sanitation  
requirements all these years?

Others in small out of the way towns have to travel and spend the night in larger cities to  
get the education requirements. They have to pay the fee for the class and also loose  
income from their salons while they are attending these classes. Most spend more than  
they make. They get in the class and find out they have paid to hear sales pitches on  
products or to watch a demonstration on something that no one in their town would let  
them do to their hair.

At some classes, the people would sign in and leave, then they would return and sign out  
and get hours for the day. Others gave their social security cards to a relative and they  
attended for them and they received the credit for the class.

This bill would have the inspectors giving classes in different areas of their territories at  
least 6 times per year at no cost to the operators or at the very least a minimal charge.  
These classes would keep the licensed operators up on any changes affecting them or their  
license, any changes in the rules and regulations as to sanitation and sterilization and new  
ways to protect the public, which also would protect them.

This also has a provision for the people forced out of the profession to return and renew  
their license.

This allows a new salon or a salon which has moved to fill out the proper papers, pay the  
license fee and operate, so as not to loose customers and income, until an inspector can  
inspect the salon and then upon passing the inspection they will receive a license to  
operate. This also gives the inspectors the authority to explain to the salon owner or  
operators what is not in compliance, what needs to be done to be in compliance and how  
this can be done. This ensures that the public will be protected.

This bill puts the square footage back in the law and also the private entrance. Too small  
an area is not healthy with the fumes which develop in a salon. This also makes a salon  
have a separate outside entrance so the public does not walk through someone's home  
where it could be unsafe to walk, someone could be sick in the home or where unsafe  
conditions could exist. Once again we are protecting the public.

If you would see your way to passing this bill it will take our profession forward and  
maintain our standards of service, safety and protection of the public. It will let the  
operators spend their money on classes that they will use the information learned in their  
salons.

Please pass this bill and give us back a profession that we are proud of and that helps  
people and not hurt them. A profession that protects while making beautiful.

Thank you for your time and consideration in this matter.

*Jimmy Jalkin*

*HC1 Box 48 B*

*Hamilton, KS 66853*

*Support of HB-2714*

Comments Provided to the  
House Education Committee  
Regarding HB 2714  
February 2, 1998

by

Bill Hancock, Director  
Classic College of Hair Design  
Wichita, Kansas

For some time now the Kansas State Board of Cosmetology has been struggling with a number of issues important to the beauty industry and the customers the industry serves. The competency of the practitioners and their ability to perform quality services is directly affected by this bill. The proposed HB 2714 addresses some of the issues by restructuring some of the requirements of students and licensed practitioners.

I am generally in favor of HB 2714 as written with only a few minor exceptions. My perspective is of a school owner, and of a person who has been able to directly observe the progress of students, and the successes and failures of licensed cosmetologist, manicurist and estheticians. Because the school tracks our graduates for up to one year, we recognize many of the strengths and weaknesses of our education and the needs of the industry.

I respectfully offer the following changes to HB 2714 as proposed:

1. The bill allows 18 months for completion of the cosmetology program for part time students. We suggest 22 months to complete the program. Eighteen months would not allow for any missed time for the students. It is rare for part time students to complete the program without missing some class because of personal need. It might be noted here that the U.S. Department of Education and accrediting agencies allow 1 ½ times the length of the program to complete the education.
2. The bill proposes that instructors must practice as a cosmetologist for one year prior to licensure as an instructor and complete 300 hours training. I propose this requirement remain with the following addition: With less than one year of practice, the instructor is required to have 600 hours instructor education. This requirement would also affect the nail technology and esthetics programs.

It is common for students to wish to become instructors without practicing a full year. As school owners, we often recognize educational abilities in some students that complement our own ability to train students. We feel with additional training of 300 hours beyond the proposed requirement of 300 hours, it is possible for schools to have quality instructors without first practicing a full year. I propose a total of 600 hours training required for instructors with less than one year of experience as a licensed cosmetologist.

3. This bill primarily deals with changes in continuing education. I feel continuing education is important to the quality of services, and for the protection of the public. We also feel continuing education in the format as practiced in the state recently, is of little or no use to the practitioners or the public. Therefore we support the proposed changes in HB 2714 and suggest that the board institute an annual meeting or convention to discuss with the license holders, and industry members, quality methods of continued education. Moreover, an annual meeting would also be useful for the members to discuss legislative action and by-law changes reflecting the needs of the members, industry and public. However, the question of inserting the requirement of an annual meeting in HB 2714 may not be a matter of legislation.

Thank you for your attention and sharing your time today. If you have questions, I will attempt to answer them.

HOUSE COMMITTEE  
ON EDUCATION  
O'NEAL, CHAIRMAN  
February 2, 1998

Mr Chairman and members of this distinguished committee, My name is Julie Deters. I am a cosmetology student. I thank you for the opportunity to speak to you on behalf of the other students in this state in training to become cosmetologists. I paid \$6300 for my tuition and I will continue to be taught by qualified instructors. I view my Instructors as the foundation of our industry. I am opposed to HB 2714, because it reduces the requirements of becoming an instructor. You need to make your decision based on the needs of the students in this industry, not on the needs of the owners of the schools.

There are approximately 1300 students who are completing school and taking the exam in the state each year. They deserve the best instructors possible.

Being a good cosmetologist does not make you a good instructor. It takes being able to really teach a person how to do what it is you are good at.

I ask you to give this issue much thought before you reduce the requirements, since it affects students the most. As a student, I expect and deserve the best.

Thank you for taking the time to hear me .

Julie Deters