

Testimony submitted to the New York State Joint Legislative Budget Hearing on the 2023 Executive Budget Proposal

Testimony to the Joint Fiscal Committees of The NYS Senate & The NYS Assembly

Submitted by New York State Beauty School Association-Dana Persico, President

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This testimony is submitted on behalf of the New York State Beauty School Association (NYSBSA), representing Licensed Appearance Enhancement Schools in New York State. Our members are licensed by the New York State Education Department to teach subjects covering Nail Technology, Hairdressing & Cosmetology, Esthetics, Natural Hairstyling, Barbering, and Waxing.

We want to thank Chair Krueger and the members of the committees for the opportunity to provide feedback on the proposed Executive Budget and its impact on the NYS Appearance Enhancement Profession.

The proposal included in the Transportation, Economic Development and Environmental Conservation Article VII Part Y to deregulate Hairdressing and Cosmetology, Esthetics, Waxing, Natural Hair Styling, and Nail Specialty will substantially affect tax revenues, students, salons, and most importantly public safety.

For over five decades, The NYSBSA has worked closely with the Department of State (DOS) and the State Education Department (NYSED) to develop standards of practice, proper educational facilities, and qualified teaching personnel to develop quality educational standards that protect students and members of the public who take advantage of the services performed by our graduates.

Our schools provide lifelong Beauty and Wellness career education that serves as a great catalyst for growth-not only for our students but also the communities to which they bring back their education.

Our graduates are often heads of household and want to improve their lives while providing for their families.

Going back to the 1970s, Hairdressers and Nail Technicians were not required to be licensed. At that time, news reports abound regarding infections and physical injuries to clients due to poor sanitation and non-existent sterilization procedures. The need for a standard of education was born and has never been more relevant than now as New York State moves forward out of the COVID-19 Pandemic.

The NYSBSA worked with the DOS in conjunction with the NYSED to develop a curriculum that came to be the mandated standard for educational institutions that we still utilize today. Over time additional standards were developed to include even more robust consumer and student protection items:

- Catalog and Enrollment Agreements – Information detailed in various student disclosures must be approved by NYSED.
- Financial Viability – NYSED must review audited financial statements annually to ensure a school has the resources it needs to continue to provide education.
- Approval of Quarters - The NYSED set standards that would determine a new school's facility must meet minimum fire safety and local building department codes and possess the proper equipment for the subjects they wish to teach.
- Teacher Licenses – All educational faculty need to be qualified in the subject they wish to teach. To obtain a teacher license, a candidate had to apply to complete the required Teacher Training Courses and pay a fee proving they were licensed by the DOS in the subject AND possess a minimum of 2 years of work experience in their respective fields.
- Curriculum Approval overall curriculum – Schools may only teach subjects they received approval from NYSED. This curriculum must meet the requirements set forth by the DOS.
- State Board Testing - The DOS requires that all graduates of NYS licensed programs in NY State must take and pass standardized testing before they are permitted to work on a consumer.
- Tax Revenue - Licensed Institutions must pay application fees to get licensed. Additionally, licensed institutions have an assessed percentage of their tuition to go into the "NYS Tuition Reimbursement Fund" for student protection. Prospective NYS Licensed Teachers have been assessed a fee for their professional licenses as well as a fee for a teacher's license.

These are only a few of the many procedural requirements and guardrails utilized by the State of New York to protect the students and develop quality education standards for all.

In Conclusion:

We want to reiterate that the proposed Article VII Part Y is deregulatory and provides little or no benefit to prospective beauty industry professionals and New Yorkers at large. Its passage would:

- 1) Lead to confusion in the marketplace as New Yorkers may not know if the individual providing a particular service is unlicensed. It is also unclear if New York State would have the ability to address legitimate grievances originating from a mistake or the lack of training.
- 2) Allow unscrupulous salons and salon owners to game the system by providing below market rate wages and an inferior education. Unlike most state apprenticeship programs, the Executive Budget proposal specifies neither a curriculum nor a requirement to receive a specific number of training hours per week. Most apprenticeship programs also limit the number of apprentices in a salon and require the apprentice supervisor to meet certain qualifications.
- 3) Lead to less diversity in the beauty industry as the trainee may receive their training in a salon focused on a specific ethnicity. These individuals would miss out on economic opportunities to work with a multi-

ethnic and racial clientele. Schools however provide these training opportunities.

4) Put health and safety at risk as school trained professionals are trained to properly handle electrical equipment, professional grade chemical products and hazardous substances to protect themselves and customers. The Executive Budget language is too ambiguous to know if trainees would be properly supervised when performing such services.

5) Harm the ability of New York State licensees to obtain licensure reciprocity in other states and/or create a subclass of New York State beauty industry professionals that are unable to obtain a reciprocal license. As a number of states require “substantially equivalent” training for licensure reciprocity, carefully consideration is necessary.

Finally, we want to dispel the notion that cosmetology education is too costly and provides a barrier to licensure. New Yorkers currently can currently attend both public and private schools to obtain the training necessary for licensure. The Nassau BOCES currently charges \$9,000 for its cosmetology programs and there are several private schools – including some in New York City – that charge about \$13,000 for cosmetology. That’s far less than the \$16,000 claimed in the Governor’s State of the State Book and is reasonable for entry into a life-long profession.

New York State’s 1,000-hour course of instruction for cosmetology currently ties four states – California, Massachusetts, Texas, and Vermont – as the least burdensome in country. Even if we include Virginia, which is in the process of reducing their cosmetology course of instruction to match New York’s 1,000 hours, 44 states require more hours of instruction for cosmetology licensure with the vast majority (38 states) requiring at least 1,500 hours of instruction.

We look forward to working with you to provide a sound regulatory framework for educating beauty industry professionals. If you have any questions regarding this testimony, please contact Dana Persico President NYSBA@gmail.com or by phone at 516.554.4301 or Diana P. Georgia, Esq., Georgia Law Firm, PLLC georgialawfirm27@gmail.com.