



Texas Education Agency
Commissioner of Education
Mr. Mike Morath
1701 N. Congress St.
Austin, TX 78701



December 13, 2016

Re: Petitions for Adoption of Rule Change

Dear Commissioner Morath,

Attached please find two separate petitions concerning Cosmetology I and Cosmetology II:
Petitioner Renda Songer, Texas Cosmetology Operator Instructor License #1436068
Keller Center for Advanced Learning – Keller Independent School District

I am sure you will recall that Keller ISD filed 2 similar petitions in August 2016 requesting the same amendments. During the November 2016 State Board of Education Meeting, the committee on instruction voted to begin the rule making process to adopt 2 single credit “lab” courses for cosmetology. These courses are currently being drafted for review as innovative course to be approved for the 2017-18 school year. Courses could then become TEKS based courses for the 2018-19 school year. However, the timing of this action coupled with the lengthy process for approval of innovative courses still currently leaves us without available courses for the 2017-18 school year.

Additionally, we feel that the basis for our previous petitions was not addressed. We maintain that the

statutory authority (as listed in our petitions does in fact allow for the amendment of the rules for 130.283 Cosmetology I and 130.284 Cosmetology II. Please see Texas Government Code, Title 10, General Government, Subtitle A. Administrative Procedure and Practice, Chapter 2001, Sec. 2001.006 Actions Preparatory to Implementation of Statute or Rule.

Furthermore, content area experts for cosmetology continue to affirm that the content for both of these courses is indeed rigorous and contains enough content to justify 3 credits for each course.

Thank you for your consideration.

A handwritten signature in black ink that reads "Renda Songer". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Renda Songer
Keller Center for Advanced
Learning Keller Independent School
District renda.songer@kellerisd.net
cell: 972-974-1490

cc: USPS Priority Mail 9410803699300085385100

Figure: 19 TAC §30.1(a)

STATE BOARD OF EDUCATION

Petition for Adoption of a Rule

The Texas Government Code, §2001.021, provides that any interested person may petition an agency requesting the adoption of a rule.

Petitions should be signed and submitted to:

Commissioner of Education

Texas Education Agency

1701 North Congress Avenue

Austin, Texas 78701-1494

Name: Renda Songer

Affiliation/Organization: Keller Center for Advanced Learning

Address: 201 Bursey Rd., Keller, TX 76248

Telephone: 817-743-8051

Date: 12/13/2016

Proposed rule text (indicate words to be added or deleted from the current text):

CURRENT TEXT: 130.283 Cosmetology I (Two Credits), Adopted 2015

(a) General requirements. This course is recommended for students in Grades 10 and 11. Recommended prerequisite: Introduction to Cosmetology. Student shall be awarded two credits for successful completion of this course.

PROPOSED TEXT: 130.283 Cosmetology I (Three Credits)

(a) General requirements. This course is recommended for students in Grades 10 and 11. Recommended prerequisite: Introduction to Cosmetology. Students shall be awarded three credits for successful completion of the course.

Statutory authority for the proposed rule action:
Texas Education Code 7.102 (c) (4);

Sec. 28.002. Required Curriculum;

Sec. 28.025. High School Diploma and Certificate; Academic Achievement

Texas Government Code, Title 10, General Government

Subtitle A. Administrative Procedure and Practice

Chapter 2001 Administrative Procedure

Sec. 2001.006 Actions Preparatory to Implementation of Statute or Rule

(a) In this section:

(1) "State agency" means a department, board, commission, committee, council, agency, office, or other entity in the executive, legislative, or judicial branch of state government. The term includes an institution of higher education as defined by Section 61.003, Education Code, and includes those entities excluded from the general definition of "state agency" under Section 2001.003(7).

(2) Legislation is considered to have "become law" if it has been passed by the legislature and:

(A) the governor has approved it;

(B) the governor has filed it with the secretary of state, having neither approved nor disapproved it;

(C) the time for gubernatorial action has expired under Section 14, Article IV, Texas Constitution, the governor having neither approved nor disapproved it; or

(D) the governor has disapproved it and the legislature has overridden the governor's disapproval in accordance with Section 14, Article IV, Texas Constitution.

(b) In preparation for the implementation of legislation that has become law but has not taken effect, a state agency may adopt a rule or take other administrative action that the agency determines is necessary or appropriate and that the agency would have been authorized to take had the legislation been in effect at the time of the action.

(c) In preparation for the implementation of a rule that has been finally adopted by a state agency but has not taken effect, a state agency may take administrative action that the agency determines is necessary or appropriate and that the agency would have been authorized to take had the rule been in effect at the time of the action.

(d) A rule adopted under Subsection (b) may not take effect earlier than the legislation being implemented takes effect. Administrative action taken under Subsection (b) or (c) may not result in implementation or enforcement of the applicable legislation or rule before the legislation or rule takes effect.

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(1) the earlier effective date is a requirement of:

(A) a federal law, or

(B) a state law that specifically refers to Texas Education Code §7.102 and expressly requires the adoption of an earlier effective date; or

(2) on an affirmative vote of two-thirds of the members of the board, the board makes a finding that an earlier effective date is necessary.

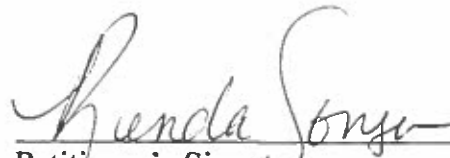
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Why is this rule action necessary or desirable?

1. The TEKS Revision Committee focused on increasing the rigor of the Essential Knowledge and Skills of this course to support an increase in the number of students that are successful in obtaining their certification by passing the written and practical exam. We included comments with our revision requesting that the credits remain 2-3 to allow districts to schedule their courses in a way that would best serve students. However, the Revision Committee's understanding was that the SBOE really wanted all courses to be assigned a solid credit to ensure a student's ability to transfer. Although that is not an issue with cosmetology students at this time because of the clock hour basis of the courses, the Revision Committee did state in their recommendation that if a solid credit must be assigned to this course, it would need to be 3 credits. A recent review of the April 2015 SBOE meeting video revealed that these comments were not relayed to the SBOE during the adoption proceedings. We believe this to have been an oversight and are seeking to remedy this situation prior to implementation of the new TEKS in the 2017-2018 school year.
2. Over 90% of Texas High Schools that offer Cosmetology are currently offering Cosmetology I for 3 credits.
3. School districts are now tracking student's attendance by minutes. An average class period in a regular school day has 8 periods each being 45 minutes in length. A two credit class allows the student 90 minutes a day, provided all 170 days are attended and the student is not ill, a member of the band or sporting team, which they may have other responsibilities to attend, missing class, the student will have 15,300 minutes or 355 hours in one year; 710 hours in two years. The grand total of 710 hours fall 290 hours short of the required 1,000 hours required by the Texas Department of Licensing and Regulation.
4. Currently, this course requires 1,500 clock hours. In a Texas High School Cosmetology Program, if a student completes 1,000 hours they are granted 500 academic hours by TDLR from their core academic high school courses. If a student graduates from high school and they only have been able to clock 800 hours, in order to complete their certification they will have to enroll in a post-secondary program at their own expense. They no longer receive the 500 academic hours and they now have to clock 1,500 hours; this creates a financial burden for students. Many students, who have experienced this in past years, never complete their course or obtain their certification. Reducing the credits from 3 credits to 2 credits essentially makes the work of Revision Committee to reduce the burden of the time constraints in high school cosmetology courses fruitless. Essentially, we are back at the beginning and possibly in an even more difficult position with the move to an ISD minute calendar.
5. Many Texas High Schools have partnered with local community colleges in offering Dual Credit Cosmetology. Reducing the applicable credits for this course to two credits will create a hardship for teachers in the alignment process with community colleges. Quite simply, we will not have enough PEIMS codes available to continue offering dual credit.

6. Ensuring Cosmetology I has three credits streamlines the process for school districts and counselors. The more PEIMS codes we assign to the Cosmetology courses, the more likely schedules will have to be corrected. An example of this would be: Introduction to Cosmetology (one credit) suggested freshman/sophomore year, Cosmetology I (three credits) suggested sophomore/junior year, Cosmetology II (three credits) suggested junior/senior year versus Innovative course or Introduction to Cosmetology (one credit) suggested freshman/sophomore year, Innovative or Lab Course (one credit) plus Cosmetology I (two credits) suggested sophomore/junior year, Innovative or Lab Course (one credit) plus Cosmetology II (two credits) suggested junior/senior year. Streamlining this process creates three PEIMS codes for students to complete the course versus possibly having six or more PEIMS codes to complete the course. This will also alleviate instructors from having to write and grade for multiple PEIMS courses to appease TEA.
7. In the November 2016 SBOE meeting, the SBOE voted to begin the rule making process to adopt 2 separate single credit lab courses to be utilized with Cosmetology I and II. These courses could possibly be adopted as innovative courses for the 2017-18 school year and then adopted as TEKS based courses for the 2018-19 school year. However, the process to obtain approval for these courses along with process to assign a PEIMS code to each course is a lengthy process. Recent communication with TEA indicates that courses would not receive a PEIMS code until July or August of 2017. School districts need a solution now.
8. Pertaining to the proposed innovative lab courses – all of the essential knowledge and skills for cosmetology have been covered in previously approved and adopted courses. As content area experts in the area of Cosmetology as licensed under the Texas Department of Licensing and Regulation, we continue to stress that the rigor, relevance and content of Cosmetology I and II meets the requirements for 3 credits for each course.



Petitioner's Signature

Figure: 19 TAC §30.1(a)

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Name: Renda Songer

Affiliation/Organization: Keller Center for Advanced Learning

Address: 201 Bursey Rd., Keller, TX 76248

Telephone: 817-743-8051

Date: 12/13/2016

Proposed rule text (indicate words to be added or deleted from the current text):

CURRENT TEXT: 130.284 Cosmetology II (Two Credits), Adopted 2015

(a) General requirements. This course is recommended for students in Grades 11 and 12. Recommended prerequisite: Cosmetology I. Student shall be awarded ~~two~~ credits for successful completion of this course.

PROPOSED TEXT: 130.284 Cosmetology II (Three Credits)

(a) General requirements. This course is recommended for students in Grades 11 and 12. Recommended prerequisite: Cosmetology I. Students shall be awarded ~~two~~ **three** credits for successful completion of the course.

Statutory authority for the proposed rule action:
Texas Education Code 7.102 (c) (4);

Sec. 28.002. Required Curriculum;

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pmv ✓

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Petitions should be signed and submitted to:

Commissioner of Education
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701-1494



Name: Sharnnetta Goins
Affiliation/Organization: Texas City High School Cosmetology

Address: 1439 9th Ave N. Texas City Tx 77590
Telephone: (409) 916-0823

Date: 12/15/2016

Proposed rule text (indicate words to be added or deleted from the current text):

CURRENT TEXT: 130.283 Cosmetology I (Two Credits), Adopted 2015
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5. Many Texas High Schools have partnered with local community colleges in offering Dual Credit Cosmetology. Reducing the applicable credits for this course to two credits will create a hardship for teachers in the alignment process with community colleges. Quite simply, we will not have enough PEIMS codes available to continue offering dual credit.

6. Ensuring Cosmetology I has three credits streamlines the process for school districts and counselors. The more PEIMS codes we assign to the Cosmetology courses, they more likely schedules will have to be corrected. An example of this would be: Introduction to Cosmetology (one credit) suggested freshman/sophomore year, Cosmetology I (three credits) suggested sophomore/junior year, Cosmetology II (three credits) suggested junior/senior year versus Innovative course or Introduction to Cosmetology (one credit) suggested freshman/sophomore year, Innovative or Lab Course (one credit) plus Cosmetology I (two credits) suggested sophomore/junior year, Innovative or Lab Course (one credit) plus Cosmetology II (two credits) suggested junior/senior year. Streamlining this process creates three PEIMS codes for students to complete the course versus possibly having six or more PEIMS codes to complete the course. This will also alleviate instructors from having to write and grade for multiple PEIMS courses to appease TEA.
7. In the November 2016 SBOE meeting, the SBOE voted to begin the rule making process to adopt 2 separate single credit lab courses to be utilized with Cosmetology I and II. These courses could possibly be adopted as innovative courses for the 2017-18 school year and then adopted as TEKS based courses for the 2018-19 school year. However, the process to obtain approval for these courses along with process to assign a PEIMS code to each course is a lengthy process. Recent communication with TEA indicates that courses would not receive a PEIMS code until July or August of 2017. School districts need a solution now.
8. Pertaining to the proposed innovative lab courses – all of the essential knowledge and skills for cosmetology have been covered in previously approved and adopted courses. As content area experts in the area of Cosmetology as licensed under the Texas Department of Licensing and Regulation, we continue to stress that the rigor, relevance and content of Cosmetology I and II meets the requirements for 3 credits for each course.



Petitioner's Signature

Figure: 19 TAC §30.1(a)



STATE BOARD OF EDUCATION

Petition for Adoption of a Rule

The Texas Government Code, §2001.021, provides that any interested person may petition an agency requesting the adoption of a rule.

Petitions should be signed and submitted to:

Commissioner of Education
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701-1494

Name: Kristi A. Foret

Affiliation/Organization: Clear View High School

Address: 400 S. Walnut St., Webster, TX 77598

Telephone: 281-284-1586

Date: 12/15/2016

Proposed rule text (indicate words to be added or deleted from the current text):

CURRENT TEXT: 130.283 Cosmetology I (Two Credits), Adopted 2015

(a) General requirements. This course is recommended for students in Grades 10 and 11. Recommended prerequisite: Introduction to Cosmetology. Student shall be awarded two credits for successful completion of this course.

PROPOSED TEXT: 130.283 Cosmetology I (Three Credits)

(a) General requirements. This course is recommended for students in Grades 10 and 11. Recommended prerequisite: Introduction to Cosmetology. Students shall be awarded three credits for successful completion of the course.

Statutory authority for the proposed rule action:
Texas Education Code 7.102 (c) (4);

Sec. 28.002. Required Curriculum;

Sec. 28.025. High School Diploma and Certificate; Academic Achievement

Texas Government Code, Title 10, General Government

Subtitle A. Administrative Procedure and Practice

Chapter 2001 Administrative Procedure

Sec. 2001.006 Actions Preparatory to Implementation of Statute or Rule

(a) In this section:

(1) "State agency" means a department, board, commission, committee, council, agency, office, or other entity in the executive, legislative, or judicial branch of state government. The term includes an institution of higher education as defined by Section 61.003, Education Code, and includes those entities excluded from the general definition of "state agency" under Section 2001.003(7).

(2) Legislation is considered to have "become law" if it has been passed by the legislature and:

(A) the governor has approved it;

(B) the governor has filed it with the secretary of state, having neither approved nor disapproved it;

(C) the time for gubernatorial action has expired under Section 14, Article IV, Texas Constitution, the governor having neither approved nor disapproved it; or

(D) the governor has disapproved it and the legislature has overridden the governor's disapproval in accordance with Section 14, Article IV, Texas Constitution.

(b) In preparation for the implementation of legislation that has become law but has not taken effect, a state agency may adopt a rule or take other administrative action that the agency determines is necessary or appropriate and that the agency would have been authorized to take had the legislation been in effect at the time of the action.

(c) In preparation for the implementation of a rule that has been finally adopted by a state agency but has not taken effect, a state agency may take administrative action that the agency determines is necessary or appropriate and that the agency would have been authorized to take had the rule been in effect at the time of the action.

(d) A rule adopted under Subsection (b) may not take effect earlier than the legislation being implemented takes effect. Administrative action taken under Subsection (b) or (c) may not result in implementation or enforcement of the applicable legislation or rule before the legislation or rule takes effect.

State Board of Education Operating Rules (amended 4-17-2015)

§5.2. Adoption, Amendment, and Repeal of State Board of Education Rules.

(a) Proposed new rules, amendments, and repeals must appear on the agenda for discussion at one board meeting and for action at two subsequent board meetings as a First Reading and Second Reading, unless a departure from this rulemaking process is

approved by the board.

(b) Each member of the board shall receive copies of the preliminary and official board meeting agendas containing all proposed new rules, amendments, or repeals to be considered.

(c) The board can take action only if the rule is posted for action in the official notice of the meeting that is published in the *Texas Register*. The commissioner is authorized to file information with the Secretary of State to comply with the requirements of Texas Government Code, Chapter 2001, Subchapter B; and Texas Government Code, Chapter 2002, Subchapter B, regarding adoption of rules.

(1) First Reading and Filing Authorization. The board can authorize the commissioner to file a proposed new rule, amendment, or repeal with the Secretary of State for publication in the *Texas Register* as it appears in the agenda or with changes to the material presented in the agenda.

(2) Second Reading and Final Adoption. If the mandatory 30-day public comment period after filing the proposal with the Secretary of State has elapsed, the board can adopt a new rule, amendment, or repeal. If a board committee determines that a substantial revision of the material presented in the agenda shall be considered, the board shall not take final action before the next board meeting.

(3) Withdrawal. The board can authorize the commissioner to withdraw a proposed new rule, amendment, or repeal that was previously filed with the Secretary of State.

(4) Refiling. The board can authorize the commissioner to withdraw and refile a proposed new rule or amendment that was previously filed with the Secretary of State if there are substantive changes from the original filing.

(d) The board can authorize the commissioner to conduct a public hearing on behalf of the State Board of Education concerning board rules. The public hearing shall be transcribed and the transcript made available for review by board members.

(e) Except as otherwise provided by law, a rule does not take effect until the beginning of the school year that begins at least 90 days after the date of the rule adoption.

(f) A rule may take effect earlier than the date set forth in subsection (e) if the rule's preamble specified an earlier date with the reason for the earlier date and:

(1) the earlier effective date is a requirement of:

(A) a federal law, or

(B) a state law that specifically refers to Texas Education Code §7.102 and expressly requires the adoption of an earlier effective date; or

(2) on an affirmative vote of two-thirds of the members of the board, the board makes a finding that an earlier effective date is necessary.

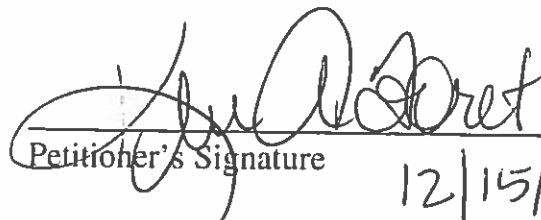
§5.3. Emergency Rules.

The board may adopt emergency rules without prior notice or hearing. Conditions under which emergency rules can be adopted and the periods for which they are effective are governed by Texas Government Code §2001.034. The board shall also comply with the requirements of Section 5.2(f) of these rules and the notice of emergency meeting requirements in Texas Government Code, §551.045. Emergency rules will be placed on a board agenda for adoption as a permanent rule.

Why is this rule action necessary or desirable?

1. The TEKS Revision Committee focused on increasing the rigor of the Essential Knowledge and Skills of this course to support an increase in the number of students that are successful in obtaining their certification by passing the written and practical exam. We included comments with our revision requesting that the credits remain 2-3 to allow districts to schedule their courses in a way that would best serve students. However, the Revision Committee's understanding was that the SBOE really wanted all courses to be assigned a solid credit to ensure a student's ability to transfer. Although that is not an issue with cosmetology students at this time because of the clock hour basis of the courses, the Revision Committee did state in their recommendation that if a solid credit must be assigned to this course, it would need to be 3 credits. A recent review of the April 2015 SBOE meeting video revealed that these comments were not relayed to the SBOE during the adoption proceedings. We believe this to have been an oversight and are seeking to remedy this situation prior to implementation of the new TEKS in the 2017-2018 school year.
2. Over 90% of Texas High Schools that offer Cosmetology are currently offering Cosmetology I for 3 credits.
3. School districts are now tracking student's attendance by minutes. An average class period in a regular school day has 8 periods each being 45 minutes in length. A two credit class allows the student 90 minutes a day, provided all 170 days are attended and the student is not ill, a member of the band or sporting team, which they may have other responsibilities to attend, missing class, the student will have 15,300 minutes or 355 hours in one year; 710 hours in two years. The grand total of 710 hours fall 290 hours short of the required 1,000 hours required by the Texas Department of Licensing and Regulation.
4. Currently, this course requires 1,500 clock hours. In a Texas High School Cosmetology Program, if a student completes 1,000 hours they are granted 500 academic hours by TDLR from their core academic high school courses. If a student graduates from high school and they only have been able to clock 800 hours, in order to complete their certification they will have to enroll in a post-secondary program at their own expense. They no longer receive the 500 academic hours and they now have to clock 1,500 hours; this creates a financial burden for students. Many students, who have experienced this in past years, never complete their course or obtain their certification. Reducing the credits from 3 credits to 2 credits essentially makes the work of Revision Committee to reduce the burden of the time constraints in high school cosmetology courses fruitless. Essentially, we are back at the beginning and possibly in an even more difficult position with the move to an ISD minute calendar.

5. Many Texas High Schools have partnered with local community colleges in offering Dual Credit Cosmetology. Reducing the applicable credits for this course to two credits will create a hardship for teachers in the alignment process with community colleges. Quite simply, we will not have enough PEIMS codes available to continue offering dual credit.
6. Ensuring Cosmetology I has three credits streamlines the process for school districts and counselors. The more PEIMS codes we assign to the Cosmetology courses, they more likely schedules will have to be corrected. An example of this would be: Introduction to Cosmetology (one credit) suggested freshman/sophomore year, Cosmetology I (three credits) suggested sophomore/junior year, Cosmetology II (three credits) suggested junior/senior year versus Innovative course or Introduction to Cosmetology (one credit) suggested freshman/sophomore year, Innovative or Lab Course (one credit) plus Cosmetology I (two credits) suggested sophomore/junior year, Innovative or Lab Course (one credit) plus Cosmetology II (two credits) suggested junior/senior year. Streamlining this process creates three PEIMS codes for students to complete the course versus possibly having six or more PEIMS codes to complete the course. This will also alleviate instructors from having to write and grade for multiple PEIMS courses to appease TEA.
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8. Pertaining to the proposed innovative lab courses – all of the essential knowledge and skills for cosmetology have been covered in previously approved and adopted courses. As content area experts in the area of Cosmetology as licensed under the Texas Department of Licensing and Regulation, we continue to stress that the rigor, relevance and content of Cosmetology I and II meets the requirements for 3 credits for each course.


Petitioner's Signature 12/15/16


BILL R. JOHNSON
CAREER AND TECHNOLOGY EDUCATION CENTER

Texas Education Agency
Commissioner of Education
Mr. Mike Morath
1701 N. Congress Street
Austin, Texas 78701

December 16, 2016

Re: Petitions for Adoption of Rule Change

Dear Commissioner Morath,

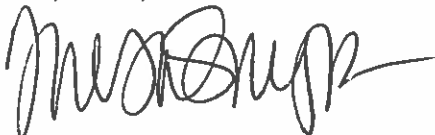
Attached please find two separate petitions concerning Cosmetology I and Cosmetology II:
Petitioner Teresa Sayen, Texas Cosmetology Operator Instructor License #1156335
Bill R. Johnson CTE Center- Crowley Independent School District

Two similar petitions were filed by Keller ISD in August 2016 requesting the same amendments. During the November 2016 State Board of Education Meeting, the Committee on Instruction voted to begin the rule making process to adopt two single credit "lab" courses for Cosmetology. These courses are currently being drafted for review as innovative courses to be approved for the 2017-2018 school year. Courses could then become TEKS based courses for the 2018-2019 school year. However, the timing of this action coupled with the lengthy process for approval of innovative courses still leaves us without available courses for the 2017-2018 school year.

Additionally, we feel that the basis for the petition was not addressed. We maintain that the statutory authority (as listed in the petitions) does, in fact, allow for the amendment of the rules for 130.283 Cosmetology I and 130.284 Cosmetology II. Please see Texas Government Code, Title 10, General Government, Subtitle A. Administrative Procedure and Practice, Chapter 2001, Sec. 2001.006 Actions Preparatory to Implementation of Statute or Rule.

Furthermore, content area experts for cosmetology continue to affirm that the content for both of these courses is indeed rigorous and contains enough content to justify three credits for each course.

Thank you for your consideration,



Teresa Sayen
Bill R. Johnson CTE Center
Crowley Independent School District
Teresa.sayen@crowley.k12.tx.us



Figure: 19 TAC §30.1(a)

STATE BOARD OF EDUCATION

Petition for Adoption of a Rule

The Texas Government Code, §2001.021, provides that any interested person may petition an agency requesting the adoption of a rule.

Petitions should be signed and submitted to:

Commissioner of Education

Texas Education Agency

1701 North Congress Avenue

Austin, Texas 78701-1494

Name: Teresa Sayen

Affiliation/Organization: Bill R. Johnson Career and Technology Education Center

Address: 1033 McCart Avenue, Crowley, Texas 76063

Telephone: 817-297-3018

Date: 12/13/2016

Proposed rule text (indicate words to be added or deleted from the current text):

CURRENT TEXT: 130.283 Cosmetology I (Two Credits), Adopted 2015

(a) General requirements. This course is recommended for students in Grades 10 and 11. Recommended prerequisite: Introduction to Cosmetology. Student shall be awarded two credits for successful completion of this course.

PROPOSED TEXT: 130.283 Cosmetology I (Three Credits)

(a) General requirements. This course is recommended for students in Grades 10 and 11. Recommended prerequisite: Introduction to Cosmetology. Students shall be awarded three credits for successful completion of the course.

Statutory authority for the proposed rule action:
Texas Education Code 7.102 (c) (4);

Sec. 28.002. Required Curriculum;

Sec. 28.025. High School Diploma and Certificate; Academic Achievement

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(a) In this section:

(1) "State agency" means a department, board, commission, committee, council, agency, office, or other entity in the executive, legislative, or judicial branch of state government. The term includes an institution of higher education as defined by Section 61.003, Education Code, and includes those entities excluded from the general definition of "state agency" under Section 2001.003(7).

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(B) the governor has filed it with the secretary of state, having neither approved nor disapproved it;

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(1) the earlier effective date is a requirement of:

(A) a federal law, or

(B) a state law that specifically refers to Texas Education Code §7.102 and expressly requires the adoption of an earlier effective date; or

(2) on an affirmative vote of two-thirds of the members of the board, the board makes a finding that an earlier effective date is necessary.


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Petitioner's Signature

Figure: 19 TAC §30.1(a)

STATE BOARD OF EDUCATION

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The Texas Government Code, §2001.021, provides that any interested person may petition an agency requesting the adoption of a rule.

Petitions should be signed and submitted to:

Commissioner of Education

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1701 North Congress Avenue

Austin, Texas 78701-1494

Name: Teresa Sayen

Affiliation/Organization: Bill R. Johnson Career and Technology Education Center

Address: 1033 McCart Avenue, Crowley, Texas 76063

Telephone: 817-297-3018

Date: 12/13/2016

Proposed rule text (indicate words to be added or deleted from the current text):

CURRENT TEXT: 130.284 Cosmetology II (Two Credits), Adopted 2015

(a) General requirements. This course is recommended for students in Grades 11 and 12. Recommended prerequisite: Cosmetology I. Student shall be awarded **two** credits for successful completion of this course.

PROPOSED TEXT: 130.284 Cosmetology II (Three Credits)

(a) General requirements. This course is recommended for students in Grades 11 and 12. Recommended prerequisite: Cosmetology I. Students shall be awarded **three** credits for successful completion of the course.

**Statutory authority for the proposed rule action:
Texas Education Code 7.102 (c) (4);**

Sec. 28.002. Required Curriculum;

**Sec. 28.025. High School Diploma and Certificate; Academic Achievement
Texas Government Code, Title 10, General Government**

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(4) Refiling. The board can authorize the commissioner to withdraw and refile a proposed new rule or amendment that was previously filed with the Secretary of State if there are substantive changes from the original filing.

(d) The board can authorize the commissioner to conduct a public hearing on behalf of the State Board of Education concerning board rules. The public hearing shall be transcribed and the transcript made available for review by board members.

(e) Except as otherwise provided by law, a rule does not take effect until the beginning of the school year that begins at least 90 days after the date of the rule adoption.

(f) A rule may take effect earlier than the date set forth in subsection (e) if the rule's preamble specified an earlier date with the reason for the earlier date and:

(1) the earlier effective date is a requirement of:

(A) a federal law, or

(B) a state law that specifically refers to Texas Education Code §7.102 and expressly requires the adoption of an earlier effective date; or

(2) on an affirmative vote of two-thirds of the members of the board, the board makes a finding that an earlier effective date is necessary.

§5.3. Emergency Rules.

The board may adopt emergency rules without prior notice or hearing. Conditions under which emergency rules can be adopted and the periods for which they are effective are governed by Texas Government Code §2001.034. The board shall also comply with the requirements of Section 5.2(f) of these rules and the notice of emergency meeting requirements in Texas Government Code, §551.045. Emergency rules will be placed on a board agenda for adoption as a permanent rule.

Why is this rule action necessary or desirable?

1. The TEKS Revision Committee focused on increasing the rigor of the Essential Knowledge and Skills of this course to support an increase in the number of students that are successful in obtaining their certification by passing the written and practical exam. We included comments with our revision requesting that the credits remain 2-3 to allow districts to schedule their courses in a way that would best serve students. However, the Revision Committee's understanding was that the SBOE really wanted all courses to be assigned a solid credit to ensure a student's ability to transfer. Although that is not an issue with cosmetology students at this time because of the clock hour basis of the courses, the Revision Committee did state in their recommendation that if a solid credit must be assigned to this course, it would need to be 3 credits. A recent review of the April 2015 SBOE meeting video revealed that these comments were not relayed to the SBOE during the adoption proceedings. We believe this to have been an oversight and are seeking to remedy this situation prior to implementation of the new TEKS in the 2017-2018 school year.
2. Over 90% of Texas High Schools that offer Cosmetology are currently offering Cosmetology II for 3 credits.
3. School districts are now tracking student's attendance by minutes. An average class period in a regular school day has 8 periods each being 45 minutes in length. A two credit class allows the student 90 minutes a day, provided all 170 days are attended and the student is not ill, a member of the band or sporting team, which they may have other responsibilities to attend, missing class, the student will have 15,300 minutes or 355 hours in one year; 710 hours in two years. The grand total of 710 hours fall 290 hours short of the required 1,000 hours required by the Texas Department of Licensing and Regulation.
4. Currently, this course requires 1,500 clock hours. In a Texas High School Cosmetology Program, if a student completes 1,000 hours they are granted 500 academic hours by TDLR from their core academic high school courses. If a student graduates from high school and they only have been able to clock 800 hours, in order to complete their certification they will have to enroll in a post-secondary program at their own expense. They no longer receive the 500 academic hours and they now have to clock 1,500 hours; this creates a financial burden for students. Many students, who have experienced this in past years, never complete their course or obtain their certification. Reducing the credits from 3 credits to 2 credits essentially makes the work of Revision Committee to reduce the burden of the time constraints in high school cosmetology courses fruitless. Essentially, we are back at the beginning and possibly in an even more difficult position with the move to an ISD minute calendar.
5. Many Texas High Schools have partnered with local community colleges in offering Dual Credit Cosmetology. Reducing the applicable credits for this course to two credits will create a hardship for teachers in the alignment process with community colleges. Quite simply, we will not have enough PEIMS codes available to continue offering dual credit.

6. Ensuring Cosmetology II has three credits streamlines the process for school districts and counselors. The more PEIMS codes assigned to the Cosmetology courses, the more likely schedules will have to be corrected. An example of this would be: Introduction to Cosmetology (one credit) suggested freshman/sophomore year, Cosmetology I (three credits) suggested sophomore/junior year, Cosmetology II (three credits) suggested junior/senior year versus Innovative course or Introduction to Cosmetology (one credit) suggested freshman/sophomore year, Innovative or Lab Course (one credit) plus Cosmetology I (two credits) suggested sophomore/junior year, Innovative or Lab Course (one credit) plus Cosmetology II (two credits) suggested junior/senior year. Streamlining this process creates three PEIMS codes for students to complete the course versus possibly having six or more PEIMS codes to complete the course. This will also alleviate instructors from having to write and grade for multiple PEIMS courses to appease TEA.
7. In the November 2016 SBOE meeting, the SBOE voted to begin the rule making process to adopt two separate single credit lab courses to be utilized with Cosmetology I and II. These courses could possibly be adopted as innovative courses for the 2017-2018 school year and then adopted as TEKS based courses for the 2018-2019 school year. However, the process to obtain approval for these courses along with the process to assign a PEIMS code to each course is a lengthy process. Recent communication with TEA indicates that courses would not receive a PEIMS code until July or August of 2017. School districts need a solution now.
8. Pertaining to the proposed innovative lab courses, all of the Essential Knowledge and Skills for Cosmetology have been covered in previously approved and adopted courses. As content area experts in the area of Cosmetology as licensed under the Texas Department of Licensing and Regulation, we continue to stress the rigor, relevance and content of Cosmetology I and Cosmetology II meets the requirements for three credits for each course.



Petitioner's Signature