

Form #3

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Authorized Signature



Earl Ray Tomblin
Governor

State of West Virginia
Board of Barbers and Cosmetologists
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Director
Adam L. Higginbotham

Board Members
Michael Belcher Justina Gabbert
Sarah Hamrick Susan Poveromo
Jim Ryan Rick Stache

MEMORANDUM

To: Honorable Natalie Tennant, Secretary of State

From: Adam L. Higginbotham
Director
Board of Barbers and Cosmetologists

Date: August 20, 2012

Subject: Series 4- OPERATIONAL STANDARDS FOR SCHOOLS OF
BARBERING AND BEAUTY CULTURE

The proposed changes in this rule will allow the Board to outline higher educational standards in schools of beauty culture and barbering. The attached documents show low graduation rates which result in high dropout rates of students in cosmetology or barbering programs. Currently there is limited educational and operational oversight of educational institutes and by outlining proper oversight the low graduation rates may improve to more acceptable rates of completion.

TITLE 3
LEGISLATIVE RULES
BOARD OF BARBERS AND COSMETOLOGISTS
SERIES 4
OPERATIONAL STANDARDS FOR SCHOOLS OF
BARBERING AND BEAUTY CULTURE

FILED
2012 AUG 22 PM 12:39
OFFICE WEST VIRGINIA
SECRETARY OF STATE

§3-4-1. General

1.1. Scope - This legislative rule establishes the operational standards for schools of beauty culture and barbering which operate in the State of West Virginia as adopted by the Board of Barbers and Cosmetologists (hereinafter Board).

1.2. Authority - W. Va. Code § 30-27-1. Related - W. Va. Code § 30-27-1 et seq.

1.3. Filing Date -

1.4. Effective Date - July 1, 2011

§ 3-4-2. Operation of Schools of Barbering and Beauty Culture

2.1. Record and Posting Requirements

2.1.2. The school shall prepare an accurate record of the number of hours devoted to the prescribed subjects during the previous month and the cumulative total of hours completed since the student's enrollment for each student by permit number. This record is to be posted on the schools bulletin board at all times and be made available to all students.

2.1.3. The school must post a copy of this rule on a bulletin board and make the rule available to all students in each school.

§ 3-4-3. Classroom and Equipment Standards for Schools of Beauty Culture

3.1. Classrooms, Equipment - Each school of beauty culture shall have a minimum of two (2) rooms in use at all times. The school shall utilize a classroom for the teaching of theory, illustrations and lectures. The school shall also utilize a clinical room for clinical or demonstrative work. A school shall have the following equipment for the accommodation of up to twenty (20) students. A school shall install additional equipment in proportion to any increase in enrollment.

(a) One (1) blackboard or whiteboard, not less than 4 x 8 feet in size.

(b) Twenty (20) dresserettes and twenty (20) mirrors, or twenty (20) combination work tables with hydraulic chairs for haircutting. There must be a work station table and chair for each student enrolled in school at all times.

- (c) Five (5) shampoo bowls.
- (d) Ten (10) hair dryers.
- (e) Three (3) facial chairs.
- (f) Two (2) facial supply trays.
- ~~(g) Two (2) hydraulic haircutting chairs.~~
- ~~(h) Two (2) vibrators.~~
- ~~(i) Two (2) therapeutic lamps.~~
- (jg) Four (4) manicure tables.
- (kh) Sufficient clean linen cabinet space.
- (li) One (1) dip (wet) sterilizer for each booth and work table.
- (mj) ~~Dry sterilization~~ Sanitation, disinfectant, and sterilizing products sufficient to accommodate as many students as are engaged in clinical work at any one time.
- ~~(nk)~~ Sufficient training aids.
- (el) Twenty (20) hairdressing chairs.
- ~~(pm)~~ Head ~~manikins~~ mannequins to be furnished by the school for each student, as part of kit for practical hairdressing.
- (qn) Twenty (20) classroom chairs.
- ~~(ro)~~ At least ten (10) waste containers.
- ~~(sp)~~ One (1) large bulletin board conspicuously located for student permits, rules, regulations, notices, etc.
- (tg) One (1) set of books used solely for the records required by Section 7 of this rule.

3.2. General requirements for Schools of Beauty Culture and Barbering

(a) All schools shall provide and maintain adequate and sanitary rest room facilities.

(b) A school shall not permit any student to enter any class for study, or give credit for any work done in school, prior to the time his or her permit has been received from the Board.

(c) Each school shall maintain a library of suitable reference books approved annually by the Board.

(d) Each school shall hold regular classes for the teaching of both the theory and the practice of the profession being taught. of all branches of beauty culture. Theory classes shall be held at least four days a week and three hours each day until theory hour requirements have been completed.

(e) Schools shall not guarantee positions to students, nor guarantee financial aid to students for help in adequately equipping a beauty shop.

(f) Schools are not limited to any particular system of teaching beauty culture. Students should be familiar with the various methods and practices in their profession and the different supplies and equipment used in the beauty industry. Provided that each student starts studies at the beginning of the Board approved textbook and is taught in relative order of the textbook.

(g) Each school must have an admission office, properly equipped with a filing cabinet, etc., and maintain duplicate copies of records sent to the Board.

(h) Each school shall advertise only under the designation of a "beauty school" and shall display conspicuously at the entrance to the school a sign in plain block, display lettering at least one (1) inch in height, to read as follows: "All Work Done By Students Only."

(i) The school must display all service prices in the clinic area. The prices must be followed by the words, "Student Work", in lettering at least one half (1/2) the size of the lettering used to display the price.

(j) During school hours instructors, as well as students, shall wear washable uniforms which must be kept clean and neat at all times. Instructors shall wear different uniforms from those worn by the students so they may be easily recognized.

(k) All bottles and containers in use must be distinctly and correctly labeled, showing the use for which the contents are intended.

(l) The school shall furnish the Board with a copy of the current school catalog, student policy book, and a copies copy of all active student contracts annually on September 1st

for Board approval prior to renewing license on January 1st. The student catalog and student policy book must be approved for license renewal. At any time when changes are made in the catalog or student policy book, the school shall furnish the Board with a copy of the catalog or policy book for Board approval as revised within thirty (30) days of the prior to implementing the proposed change or revision. Student catalogs shall consist of at least course outlines, a school grading policy, and class schedules. Student policy books shall consist of at least a student attendance policy, student expectations, and school responsibilities.

(m) Schools shall provide theory and instructor-led demonstrations on subject matters prior to a student performing the subject matter on a customer.

(n) Students shall not be charged for products used to provide a service in the school when performed for training purposes or on a paying customer. This no charge requirement is when the student uses an acceptable amount of the product.

(o) Schools shall furnish students with sanitation, disinfection, and sterilization products of adequate strength at all times.

(p) School enrollment in a 12 month period shall not exceed six times per year for the cosmetology, barbering, and/or hair styling programs. School enrollment in a 12 month period shall not exceed six times per year for nail technology and/or aesthetic programs. No student may be enrolled after three weeks after the enrollment date.

(q) Cosmetology students shall be taught how to use clippers and one shall be provided in the student's kit.

(r) Schools shall follow the approved catalog, student policy book, and student contract.

(s) Each student shall periodically be tested on components of the curriculum as part of regular course study. Students shall receive official school reports on their progress and standing in classroom theory and practical instruction and clinical work at least on a quarterly basis.

(t) Every school shall maintain an annual overall pass/fail rate of 70% for the examination for licensure for the combined professions taught. If a school's pass/fail rate falls below 70% in a calendar year, the school will have 30 days from the date of notification by the Board to submit a plan of action to the Board. The pass/fail rate in question will be for first time examination candidates only. The pass/fail rate must increase by 5% the first year then must meet or exceed that standard for the next 2 years, or the school license shall be subject to discipline.

§ 3-4-4. Classrooms and Equipment Standards for Schools of Barbering

4.1. Classrooms, Equipment - Each school of barbering shall have a minimum of two (2) clinic rooms in use at all times, one (1) to be known as the junior department and the

other as the senior department. All beginners will receive instruction in the junior department and will advance to the senior department when they have completed the minimum number of hours specified by the Board. Both rooms shall be fully equipped and arranged in a manner to comply with the rules promulgated by the Board. There shall be a third room in every school of barbering where class study, examinations and lectures are held. A school shall have the following minimum equipment before being permitted to operate:

(a) Ten (10) complete chair units consisting of one (1) chair, lavatory, and complete back stand and providing a proper cabinet for immediate linen supply and individual wet and dry sterilizers.

(b) One (1) recognized textbook on barbering for each student, approved by the Board.

~~(c) Three (3) high frequency or ultraviolet ray outfits.~~

~~(d) One (1) standard vibrator for each four (4) students enrolled.~~

~~(e) One (1) therapeutic lamp — infra red, white and blue for every four (4) students enrolled.~~

(f) Sufficient clean linen cabinet space.

(g) One (1) blackboard or whiteboard, not less than 5' x 8' in size.

(h) One (1) large bulletin board, conspicuously located, for the posting of rules and regulations, notices, etc.

(i) One (1) file for duplicate copies of reports sent to the office of the West Virginia Board of Barbers and Cosmetologists.

(j) One (1) set of books used solely for the records required by Section 7 of this rule.

4.2. The school shall equip the study and lecture room with the required blackboard from subsection (j) above and charts showing illustrations of the skin, circulation of the blood, muscles and bones of the face, scalp, neck, arms and hands.

The school shall use this room for the sole purpose of giving scientific instructions to students.

4.3. Each school of barbering shall maintain a library of suitable reference books, including those books as may be approved and published in a list by the Board.

4.4. Each school of barbering shall hold regular classes for the teaching of both the theory and practice of all phases of barbering as referenced in section 3.2(d) of this rule

4.5. No one in any way connected with any school of barbering shall guarantee positions to students nor guarantee financial aid to help a student in equipping a barber shop.

4.6. Schools are urged not to advocate the use of any particular equipment. Students should be familiar with the different supplies and equipment used in barber shops.

4.7. Each school shall advertise only under the designation of a barber school, and shall display conspicuously at the entrance to the school a sign in plain, block, display lettering at least one (1) inch in height, as follows: "All Work In This School Done By Students Only."

4.8. When service prices are displayed, or in any manner advertised by a school of barbering, they must be followed by the words "STUDENT WORK" in lettering at least one half (1/2) the size of the lettering used to display the price.

4.9. During school hours, Instructors, as well as students, shall wear washable coats which must be kept clean and neat at all times.

4.10. All bottles and containers in use must be distinctly and correctly labeled, showing the intended use of the contents.

4.11. A school shall not permit a student enrolled in a school of barbering to work on a patron who is paying for the service or materials, until such student has attended the school for a period of three hundred (300) hours.

4.12. Each student in his senior year, before graduation, must act in the capacity of manager of the school for at least one (1) week; two (2) weeks if possible. He or she shall be in full charge of the clinical division of the school, under the supervision of the manager of the school.

4.13. Each school of barbering shall furnish the Board with a copy of the class schedule being used in the school, and copies of all advertising material and student contracts. At any time, if any changes are made in class schedules, advertising material or student contracts, the school shall furnish the Board with such revised materials.

§ 3-4-5. Enrollment

5.1. The enrollment in a school of barbering shall not, at any time, exceed one and one half (1-1/2) students per chair.

§ 3-4-6. Attendance at Schools of Barbering and Beauty Culture

6.1. All schools of barbering and beauty culture must establish regular school hours. For the purpose of this rule, hour means full clock hours.

6.2. All schools shall require that all students attend classes at least eighty percent (80%) of the time that they are enrolled in school. Schools shall not require attendance to exceed eight (8) hours in any twenty-four (24) hour period, exclusive of the lunch period.

6.3. The student must account for any absence for more than twenty percent (20%) of the time after enrollment by a written excuse from a doctor, dentist, or someone who can verify to the Board the necessity of the student's absence. Students that fall below 80% attendance and cannot provide reasonable explanation into the absences in excess of 20% may be reviewed by the Board for disciplinary action.

§ 3-4-7. Records

7.1. Daily Records - Each school shall keep a daily class record of each student, showing the number of hours earned daily ~~devoted to the respective subjects, the number of clinical operations performed,~~ the total number of hours the student is in attendance and the days each student is absent. Daily hours shall be recorded by the school using an electronic clocking system that cannot be tampered. Each student must clock himself or herself in and out of school.

7.2. Monthly Records - Schools shall keep a monthly record of the student's entire enrollment and send this record to the Board on forms furnished to the schools for that purpose, showing the permit number of each student; the number of months addressed by the report; the number of, and the days that each student is absent or present; ~~the hours devoted to each subject, and the number of clinical operations performed by the student to date.~~ the overall attendance percentage of each student over the course of the program.

7.3. Permanent Records - The school's manager shall compile a permanent record, including the information described in subsections 7.1. and 7.2., of each school from the daily class records. The manager shall keep this compilation up-to-date in a permanent file, subject to inspection at any time by any member of the Board or any authorized representative.

7.4. Final - The manager of each school shall compile from the school's records a summary of each student's subjects, clinical operations, grades, hours and attendance. The school shall present this record to the student upon graduation and this record shall also be made a part of the student's application to the Board for licensure by examination. The manager must sign each copy of the required records and must certify that the record is correct and that the student has received a diploma from the school.

7.5 Student Rights to Records- Students shall be provided with an individual monthly report indicating the student's current monthly hours, current grades in each section of the curriculum outlined in 3CSR1, total attendance percentage, total hours, and any

warnings, probation, or disciplinary action that has been taken by the school against the student.

§ 3-4-8. Teaching Staff

8.1. No school may ~~open or~~ operate with less than two (2) licensed instructors. There must be one (1) instructor for every thirty (30) students. An instructor shall be in the classrooms of the school at all hours and supervise all practice student work.

8.2. No instructor in either a school of barbering or a school of beauty culture may use any portion of the allotted time for school hours, in the performance of any public or private practice of his or her respective profession, for compensation or remuneration of any form.

8.3. In schools of barbering, there must be at least one (1) monthly illustrated or demonstrated lecture during the course of instruction. This lecture must be given by a duly licensed physician or some person who has had special training in anatomy, hygiene, bacteriology, physiology, electricity and/or other science related to the study of barbering who is not related to any member of the present teaching staff.

8.4. A demonstrator may exhibit new processes, preparations, and appliances to the student only in the presence of the licensed instructors.

8.5. Schools may give private lessons to registered barbers or cosmetologists who desire to gain more knowledge in any subject, or subjects, which they are already entitled to practice.

§ 3-4-9. Administrative Due Process

9.1. Those persons adversely affected by the enforcement of this rule have the right to request a contested case hearing in a manner pursuant to the provisions of W. Va. Code § 29A-5-1 et seq.

§ 3-4-10. Severability

10.1. If any provision of this rule, or the application thereof, to any person or circumstance is determined to be invalid, such invalidity shall not affect the provisions or applications of this rule which can be given effect without the invalid provision or application, and to this end, the provisions of this rule are severable.

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: 8/20/2012

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) BOARD OF BARBERS AND COSMETOLOGISTS
1201 DUNBAR AVENUE
DUNBAR, WV 25064

LEGISLATIVE RULE TITLE: OPERATIONAL STANDARDS FOR SCHOOLS OF
BARBERING AND BEAUTY CULTURE

1. Authorizing statute(s) citation 30-27-6

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
7/16/2012

b. What other notice, including advertising, did you give of the hearing?
WEBSITE

c. Date of Public Hearing(s) *or* Public Comment Period ended:
08/17/2012

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached x No comments received

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

ADAM L. HIGGINBOTHAM
DIRECTOR
1201 DUNBAR AVENUE
DUNBAR, WV 25064
304.558.2924 (PHONE)
304.558.3450 (FAX)
ADAM.L.HIGGINBOTHAM@WV.GOV

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

b. Date of hearing or comment period:

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached

A handwritten signature in black ink, consisting of several overlapping loops and strokes, positioned below the 'Attached' line.

August 10, 2012

Board of Barbers and Cosmetologist,

The operational standards for schools of Barbering and Beauty Culture in Title 3 Series 4 I feel are put into effect and are necessary to provide smooth running education in our schools. The proposed change of school enrollment of three times per year I feel would not allow for better statistics or improve more acceptable rates of completion.

I currently am an instructor and teach Cosmetology and I also have worked as a Cosmetologist in the salon industry for 26 years and a salon owner. If enrollment were to be limited to three times a year this would increase class sizes significantly and providing individual attention with the students in larger classes become difficult or extremely limited. The schools are much better equipped to handle smaller classes and provide a better education to our students.

Morgantown Beauty College teaches from the Milady textbook in the order needed to prepare the student for the clinic classroom. The chapters can't be taught in relative order, some of these chapters need to be introduced before working on clients on the clinic floor.

This would also result in possible cut back in hourly wages or lay off of instructors in our schools.

In the salon industry I feel this would also limit the number of licensed professionals that would be available for hire in our salons.

In conclusion I feel after working in the industry as an Instructor and as a salon manager I believe the most successful students or licensed professionals need to have a strong interest or passion about their career choice as well as creative and artistic talents to accomplish graduating from their school of choice and pursuing a career in the beauty industry. It is a profession that requires physical stamina and excellent work ethics. This allows for the most successful graduation and employment rates.

Sincerely,

A handwritten signature in cursive script that reads "Rhonda Wade Miller". The signature is written in dark ink and is positioned above the printed name.

Rhonda Wade Miller



Earl Ray Tomblin
Governor

State of West Virginia
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Director
Adam L. Higginbotham

Board Members

Michael Belcher	Justina Gabbert
Sarah Hamrick	Susan Poveromo
Jim Ryan	Rick Stache

Rhonda Wade Miller
276 Walnut Street
Morgantown, WV 26505

August 17, 2012

Thank you for your letter voicing your concern about the Board's proposed cap on enrollment. Based on some of the comments received, the Board changed the enrollment number from three times per year to six times per year.

Again, thank you for taking time to write your concerns to the Board.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam L. Higginbotham".

Adam L. Higginbotham M.B.A.

Director

Paula Kurczak
1096 Rivershore Drive
Fairmont, WV.
26554
304 641 3773
Styli23@aol.com
August 10, 2012

Board Members.

As a former member of the West Virginia State Board I have the greatest respect for all the hard work the board members do and what the board stands for. At this time as a Educator I feel I must address a concern I have about the board wanting to only allow schools to have open enrollment 3 times a year. MBC takes pride in giving each student the best education as possible. Our mission is to nurture a strong sense of professional self-discipline so each student can acquire the knowledge and basic skills to succeed in cosmetology related fields. By limiting our enrollment students who need more hands on attention may not comprehend in a bigger class. Please reconsider the change you want to make. This is only one reason the change bothers me, there are many more that I would gladly address with you.

Sincerely,
Paula Kurczak
Instructor MBC



Earl Ray Tomblin
Governor

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Director
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Board Members
Michael Belcher Justina Gabbert
Sarah Hamrick Susan Poveromo
Jim Ryan Rick Stache

August 17, 2012

Paula Kurczak
1096 Rivershore Drive
Fairmont, WV 26554

Dear Paula,

I would first like to thank you for your service to the Board. During your tenure you assisted the Board with important changes and necessary improvements.

The Board reviewed your concerns about the cap on three enrollment periods a year and decided to increase the enrollment number to six. This compromise will assist the Board to ensure students start school and have proper education foundation laid from the beginning. The Board does receive complaints from students in some schools that on their first day they are placed with students that have been in school for months. This causes confusion for new students since no educational foundation has been laid. The Board understands that it is not fair to students that start in the middle of the book and one way of help reduce this propose capped enrollment periods.

I hope the changed enrollment periods that the Board made are satisfactory and I again thank you for your past service and your comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam L. Higginbotham", written over a horizontal line.

Adam L. Higginbotham M.B.A.
Director

August 10, 2012

West Virginia Board of Barbers and Cosmetologist 30-27-6

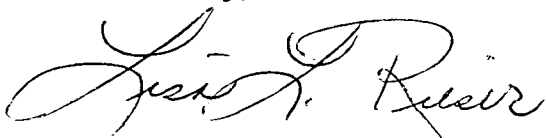
My name is Lisa Rieser and I have been an Instructor at Morgantown Beauty College since 1998. My career in Cosmetology started many years ago in the early 70's. In that time I have seen many changes in the field of Cosmetology. Pedicures were not allowed in the state and the world of artificial nails were unheard of. Facials were considered a luxury service. These have been wonderful additions to the Cosmetologist of today.

On an educational level the curriculum had to now include Theory and Practical skills to teach these new services. The textbook has almost doubled in size. The traditional 2000 Hrs. required for Cosmetology did not increase to make room for teaching the new services. In fact, just the opposite. Most recently the hours have been cut back to 1800 Hrs. for Cosmetology. And now there is discussion at hand for limited enrollment. Let's first consider the student and their needs.

It was a simpler time in years past. The student of today is faced with many challenges. Many if not most have financial struggles and are holding down jobs in addition to going to school. Some are young mothers with very tight schedules. Drugs and alcohol have also played a roll in hurting the spirit of our youth. As hard as they try, their focus is not as clear as it should be. They need more structure and attention not less. Cutting the classes down to three times a year will mean larger classes. I think this will make room for more students getting lost, losing hope, and dropping out. Instead of just looking at numbers you must realize there are situations that sometimes get in the way of the timing of their graduation. I'm looking out for the student and the best way for them to learn.

Thank you for your attention in this matter

Sincerely,

A handwritten signature in cursive script, appearing to read "Lisa L. Rieser". The signature is fluid and stylized, with the first name "Lisa" being more prominent than the last name "Rieser".

Lisa L. Rieser



Earl Ray Tomblin
Governor

State of West Virginia
Board of Barbers and Cosmetologists
1201 Dunbar Avenue
Dunbar, WV 25064

Lisa Rieser
276 Walnut Street
Morgantown, WV 26505

Dear Ms. Rieser:

Thank you for your comment concerning the Board's proposed cap of three enrollment periods per year. The Board has decided to compromise the enrollment periods from three to six times per year. I hope this change is satisfactory to your concern.

Again, thank you for your comment.

Sincerely,

Adam L. Higginbotham M.B.A.
Director

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August 20, 2012

Dear Board Members;

My name is Courtney Scotchel, I am an instructor as well as an Admissions Officer at Morgantown Beauty College located in Morgantown, WV. I am writing you in regards to a amendment that is trying to be passed in by West Virginia Board of Barbers and Cosmetologists. This bill is in regards to may different changes including limiting the amount of classes per year (only 3 classes a yr.). Personally I cannot see any positive outcome from this bill and I am highly upset that this bill is even being taken into consideration. The school has always had control of how many times they accept enrollment for each program.

As an Admissions Officer part of my job is meeting potential students everyday. I discuss our programs as well as give them a tour of our school. Needless to say, they are more than excited to begin one of our programs that we offer by the time they leave my office. Our classes begin every 2 - 3 months and it has and does work out perfectly due to the fact that every student has a quicker chance to get their lives and career started. If they are excited about something that is so passionate to them, why should they have to wait a long period to enroll?

Everyone needs to realize that passing this bill will highly affect many. Including, the actual college, employees, licensed instructors, potential students and even the local businesses located near the college. For example, student rates will drop because students have to wait so long to begin they may go to another college, risk of us instructors and other employees losing their jobs, and local businesses because the students and employees patronize them everyday for lunch or even parking for the City of Morgantown. (Our students pay to park everyday) With a low amount of students or even employees this could affect others.

My number one goal day in and day out is to keep all of our current or even future students happy and positive about the path and career that they have chosen for themselves. How am I suppose to exceed my goal if we have students who are more than excited to being one of our programs to begin but have to wait several months to do so? What if they are unable to enroll because the waiting period was too long? That will lower our student rates. What happens to us instructors who have paid a lot of money but most importantly dedicated ourselves to our career and students? What happens to beauty colleges if the rates are too low? What happens to the local businesses around us in which we patronize? What happens to licensed salon owners who are looking for graduates to being a job immediately? (Which is frequently) Are we going to tell them they have to wait for a long period of time? By the time our students would graduate it may be too late and they could of lost a great job opportunity. That is doing nothing but taking the chances away from our students. These are all very important questions that need to be addressed.

With all the negativity in this World, please keep one very important topic positive and that is the education of our students. Give them the opportunity to still being their future every 2 months. This bill as I hope you can see could hurt many things and even put employees and licensed instructors without a job. We have all worked extremely hard to get where we are at in our careers. With the Board wanting to change limiting the amount of classes and even how we teach, some requirements need to be more realistic. If they want to provide us lesson plans on what do to, by all means we will be happy to teach the programs how they want even though we have been very successful in our ways established by the Department of Education and our Accreditation Specialist - NACCAS. Also, the information provided to us was rated on information over 20 years old. I believe this item should be addressed using more current information.

Sincerely,



Courtney Leigh Scotchel
Admissions / Instructor
Morgantown Beauty College, Inc
Colefam03@aol.com
(304) 692-5492 Cell

Courtney Scotchel

Admissions Officer

FAFSA Code: 031021

Direct Loan Code: G31021

MORGANTOWN BEAUTY COLLEGE, INC.

276 Walnut Street
Morgantown, WV 26505-5430

Phone: 304-292-8475 Fax: 304-292-7899
Admissions Phone: 304-692-5492
Visit: MorgantownBeautyCollege.com
Email: MorgantownBeautyCollegeWV@yahoo.com

RESERVE YOUR FUTURE TODAY!
Morgantown Beauty College, Inc. is an equal opportunity employer/program.



Earl Ray Tomblin
Governor

State of West Virginia
Board of Barbers and Cosmetologists
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Director
Adam L. Higginbotham

Board Members

Michael Belcher	Justina Gabbert
Sarah Hamrick	Susan Poveromo
Jim Ryan	Rick Stache

Courtney Scotchel
276 Walnut Street
Morgantown, WV 26505

August 20, 2012

Dear Ms. Scotchel:

Thank you for your comment concerning the Board's proposed cap on enrollment periods. After reviewing your letter, the Board decided to increase the enrollment periods from three times per year to six times per year. I hope this compromise satisfies your concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam L. Higginbotham", written over a horizontal line.

Adam L. Higginbotham M.B.A.
Director

My name is Laura Liston. I am a Cosmetology Instructor at Morgantown Beauty College in Morgantown, West Virginia. I am writing in regards to a rule trying to be amended by the West Virginia State Board of Barbers and Cosmetologists.

My first concern is:

3.2 General Requirements for Schools of Beauty Culture and Barbering.

(f) Provided that each students starts studies at the beginning of the Board approved textbook and is taught in relative order of the textbook.

I teach the 300 hour class, which are students first 2 months. We move throughout the textbook their first 2 months of school so once they are over 300 hours (their first 2 months) they are capable of confidently taking clients. If we teach in order in which the book places them they wouldn't have adequate time to learn and practice haircutting, hair coloring, chemical texturizers, etc. We teach our students a total of 18 chapters in their first 2 months of schooling so they are prepared to take clients.

Another concern of mine is 3.2 (p) School enrollment in a 12 month period shall not exceed three times per year for the cosmetology, barbering, and/or hair styling programs. School enrollment in a 12 month period shall not exceed four times per year for nail technology and/or aesthetic programs. No student may be enrolled after three weeks after the enrollment date.

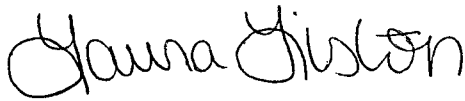
We at the Morgantown Beauty College have enrollment for Cosmetology every other month, 6 times a year. If we are only allowed to have enrollment 3 times a year I feel it will not only effect my job (we will not have the need for as much staff), but it will affect our enrollment as well. If we cut back enrollment we will not have the need for as many instructors because our students will not get extra time to make a smooth transition from their first 300 hours to taking clients. I think having enrollment every other month gives people opportunities to start their careers as soon as they want. Making them wait could cause them to choose another career path. I think we have been very successful having 6 enrollments a year and truly hope this does not pass! This could also affect local salons as well. We often have salons calling us asking if they can visit and talk to students who are close to graduation and I feel having 3 enrollments a year will create such a large gap in where students are in their schooling that salons could suffer by not having enough employees. This can also put a strain on the College in a business aspect. If we only have a small group of students who can perform services we will lose money, and longtime clientele. Not only will our School, clients, local salons, students, and staff suffer but we also have to consider the local businesses. Our students pay to park every day; therefore if we lose the opportunity to enroll students as frequently as we do the City of Morgantown will suffer a great loss of not generating revenue from our students, staff, and clients parking. Our local restaurants could suffer as well. Morgantown Beauty College brings in students from all over West Virginia every few months, doing so helps our City of Morgantown in "slower" summer months when our local University students are out of town, which helps out our local businesses.

Also while reviewing all possible changes; they think that if we don't exceed 3 enrollments in a year it will help with the dropout rate. Our admissions officer does an amazing job at explaining everything that

is expected of our students before they start. We are passionate in our careers and we feel our students are too. Plus, the dropout rate chart they are going by is from 1991-1993. Maybe this should be updated before making any decisions.

Please reconsider, I truly feel this will inconvenience anyone interested in any of our programs as well as cut back on jobs for not only Cosmetologists but Instructors who have dedicated a lot of time and effort in making our students and school successful.

Sincerely,

A handwritten signature in black ink that reads "Laura Mureen Liston". The signature is written in a cursive, flowing style.

Laura Mureen Liston
Instructor
Morgantown Beauty College, Inc.
Wv laura@yahoo.com
(304)290-0903



Earl Ray Tomblin
Governor

State of West Virginia
Board of Barbers and Cosmetologists
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Director
Adam L. Higginbotham

Board Members
Michael Belcher Justina Gabbert
Sarah Hamrick Susan Poveromo
Jim Ryan Rick Stache

Laura Liston
276 Walnut Street
Morgantown, WV 26505

August 20, 2012

Dear Ms. Liston:

Thank you for your request to update more current information to show today's completion percentage. I included the percentages 1991 because it slightly increased the overall percentage, but as requested, the chart is below:

The chart below shows the number of students that have had received student permits from Morgantown Beauty College and the students that have obtained a licensed in West Virginia in cosmetology from 2006-2010:

Year	Student Permits Issued	Students that Received Licenses	Licensure Percentage	No License Percentage
2006	53	31	59%	42%
2007	37	17	46%	54%
2008	45	20	44%	56%
2009	67	40	60%	40%
2010*	11	4	36%	64%

*2010-Only students that started Jan-April 2010 are reviewed for completion. That allows more than 24 months for the student to complete a 15-17 month program

Your concern about the enrollment periods was reviewed and the Board decided to increase the enrollment periods from three times per year to six times per year.

Thank you for your comments to the proposed rule. I hope the Board's compromise is satisfactory,

Sincerely,

Adam L. Higginbotham M.B.A.
Director

Re: Bill 14, Series 3

Dear Senators:

This letter is written in response to the proposed changes of new guidelines for schools of barbering and cosmetology operations.

The Board of Barbers and Cosmetologists proposes changing the hours for completing the course of cosmetology from two thousand hours to one thousand hours. This would allow the student to take State Board after passing the required classes laid out in the school curriculum by the Board of Barbers and Cosmetologists.

Mr. Higginbotham, director of the Board made a visit to our school to introduce himself and to make it plain that the Board in no way is there to help our profession, but to protect the public from our profession. This law would be a total contradiction in itself. They are letting students have half the time to learn the things they need to know to be able to go out and work on the public. The proposed one thousand hours contains five-hundred fifty hours of practical, which would be hands on training.

The test given in the State of West Virginia for cosmetologists has become increasing hard for the students to pass after completing two thousand hours, much less taking it after half the time.

As a licensed cosmetologist for forty-two years, twenty of those being in education, this cannot possibly be feasible. The Board or Mr. Higginbotham has never as much as consulted anyone in the field of education to address this proposed curriculum. The Board states its purpose is to protect the public from our profession would propose that students have minimal education to work in the field. This is a contradiction in itself.

The states of Kentucky and Ohio have both increased there hours of education while West Virginia wants to cut theirs.

I only ask that this proposed law be further researched by the elected officials before passing anymore bills effecting this profession.

I feel that this proposed curriculum be further researched by the Board or the legislature. They should speak with those involved in education to become more aware of what the student needs to learn. I feel very strongly that the potential destruction of this profession began with removing us from the Department of Health and Human Services where it has been since 1934. Why are our elected officials allowing this to happen without an investigation?

The Board is establishing its own dictatorship of the schools. They want complete access to everything involved in the paperwork without any knowledge of how the schools operate.

We are accredited by NACCAS (National Accrediting Commission of Career Arts and Sciences), which has very strict guidelines for curriculum in schools, which, again, the Board has not contacted to review any questions they may have concerning that curriculum.

I ask that you not pass Bill 14, Series 3, until it has been researched and the Board questioned as to why they feel they are qualified to take over the schools.

Sincerely

Patricia A. Thacker

Instructor

Mountaineer Beauty College



Earl Ray Tomblin
Governor

State of West Virginia
Board of Barbers and Cosmetologists

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Director
Adam L. Higginbotham

Board Members

Michael Belcher	Justina Gabbert
Sarah Hamrick	Susan Poveromo
Jim Ryan	Rick Stache

Patricia Thacker
2610 Montana Avenue
Hurricane, WV 25526

August 17, 2012

Dear Ms. Thacker:

Thank you for your letter that has been forwarded to me. I hope to clarify some confusion and explain the changes that may be little unclear. A good portion of your written concerns are not part of the bill in which is open for public comment. However, I have attempted to answer or clarify some of the issues you may have.

First, the Board is not changing cosmetology from 2,000 to 1,000. The hours to become a cosmetologist are set at 1,800 hours. I am sorry for any confusion this may have caused.

The confusion may stem from the 2011 legislative session in which the legislature passed a bill that created a new license for hair styling. This license is for an individual to just do hair services and has been proposed to be 1,000 hours. As you should know, an individual that wants to cut hair must learn nail technology and aesthetics under the current laws as a cosmetologist. The only change that is occurring is creating a new program for an individual to do just hair. The process of creating a hair styling license from cosmetology is the exact function that the legislature did by creating a nail technology license from cosmetology in 1989 (created more than 2,500 licenses) and creating an aesthetician license from cosmetology in 1998 (creating more than 350 licenses).

You are right that the Board was created to protect the public. However, you are incorrect in your statement that the Board is not there to help the profession. The Board's main goal is public safety.

I am sorry that you feel the test given to cosmetologists has become increasingly hard for students to pass. I am very confident that the national exam that West Virginia uses and the more than 28 states that offer the exact exam feel this is the best exam offered. At 2,000 hours, West Virginia had the third highest hour requirement in the country and having higher hours does not indicate better training. West Virginia lowered the cosmetology hours to 1,800 hours, not 1,000 hours.

I am unaware of where you received information that neither the Board nor myself consulted with anyone in the field of education to create the curricula. The National Interstate Council of Cosmetology Boards (NIC), national leading textbook companies, and Milady educators provided valuable insight and

advice in the development of the curricula. The Board also reviewed multiple state laws and regulations when considering the curricula. Please be assured the work has been done and West Virginia is following national guidelines and trends.

Kentucky and Ohio directors have both informed me that they are planning to reduce their hours to become more attractive to citizens that live on, near, or across state lines.

The Board's separation from the Department of Health and Human Resources has in no way caused any destruction of the profession.

The Board is not trying to create a dictatorship of schools. The Board is trying to protect students that file complaints against schools for various reasons ranging from not receiving the education they paid for to not being fairly treated by the school. In fiscal year 2012 alone, the Board had 48% of all complaints received filed against a school. That percentage is a staggering number when we have almost 18,000 total licensees and only 14 schools and 7 of those 14 schools actually having nearly all of the 48% complaints filed against them.

The Board is also trying to improve the licensure rate of individuals that start school, finish, and obtain a license. The chart below shows the percentage of individuals that have started school and become licensed at Mountaineer Beauty School, the school you teach at:

Year	Student Permits Issued	Students That Received Licenses	Licensure Percentage	No License Percentage
2006	53	31	42%	58%
2007	44	25	43%	57%
2008	42	24	43%	57%
2009	40	22	45%	55%
2010*	11	4	64%	36%

*2010-Only students that started Jan-April 2010 are reviewed for completion. That allows more than 24 months for the student to complete a 15-17 month program.

According to the Accrediting Commission of Career Schools and Colleges (ACCSC, the only year that would be considered successful with acceptable completion percentages is 2010 and only 4 months of that year have been reviewed for this data. The reason the Board feels it is necessary to have more oversight of schools is to ensure a Mountain State University scenario does not occur since there is little to zero oversight at the state level.

Finally, as for your concern about the Board not contacting NACCAS, no state consults an accrediting firm that deals with financial aid in schools.

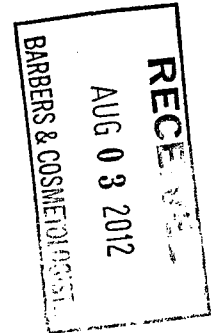
Again, I thank you for addressing your concerns and hope that I have clarified some of your concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam L. Higginbotham', with a long horizontal flourish extending to the right.

Adam L. Higginbotham M.B.A.

DOLL FACE, INC
DBA HUNTINGTON SCHOOL OF BEAUTY CULTURE
5636 US ROUTE 60
HUNTINGTON, WV 25705
(304)736-6289 FAX (304)736-6298



8/1/2012

WV State Board of Barbers & Cosmetologist
1201 Dunbar Avenue
Dunbar, WV 25064

Dear Board Members,

My name is Catherine Belvin and I have been the owner of the Huntington School of Beauty Culture since October, 2005. I have also been a Cosmetologist for 24 years. I am writing you this letter in regards to the Proposed Changes with the West Virginia State Board of Barbers & Cosmetologists filed July 16, 2012 under Series 4; Operational Standards for Schools of Barbering and Beauty Culture. I feel these proposed changes have a direct negative impact on my business, the students and the staff as I shall explain my concern.

To begin with, the memorandum attached to the rule change states, "Currently there is limited educational and operational oversight of educational institutes and by outlining proper oversight the low graduation rates may improve to more acceptable rates of completion". It seems the State Board thinks they should/can do a better job than the Department of Education as well as the accrediting body, NACCAS (National Commission of Career Arts & Sciences). These two departments have very strict standards and criteria as it stands. My school, as well as many other Cosmetology and Barbering schools in the state of West Virginia, follow these strict guidelines currently in place.

Furthermore, the attached research study compiled by the State Board in regards to the graduation rates have no relevance to operational standards for Cosmetology and Barbering schools in West Virginia because the ACCSC (Accrediting Commission of Career School & Colleges) is **not** used by any Cosmetology or Barbering school in the state. The data seems based on an opinion and not from actual data 20 years ago, which again has no relevance to graduation rates and retention rates; therefore, it is unsupportive, nonsense and bogus.

My next concern is the proposed legislative rule change under Title 3; Series 4; Section 3.2(d), which requests classes shall be held at least four (4) days a week for three (3) hours each day until theory hour requirements have been completed. I am not arguing the fact that students need an ample amount of bookwork, but I feel students will begin to lose interest due to the excessive amount being requested and causing them to lose much needed extra hands-on clinical experience in a practical based field(s). My experience and knowledge as an educator and a Cosmetologist graduate is that this occupation is better taught with practical and theory integrated. Losing more practical learning can potentially cause a higher amount of dropouts. Continuing with the same section under article (l); the State Board is now proposing to request copies of student contracts and policy books in order to be approved for license renewals. I do not have an issue in regards to the policy book or student catalogs; however, the question lies, 'for what reason would the State Board need the students' contracts to be used for determining renewals of school licenses?' There is not a criteria or standard set anywhere to even provide the State Board guidelines as to who does not get renewed or how to re-establish renewal. This could perhaps just be arbitrarily done with prejudice. Section 3.2(p) proposes that schools are

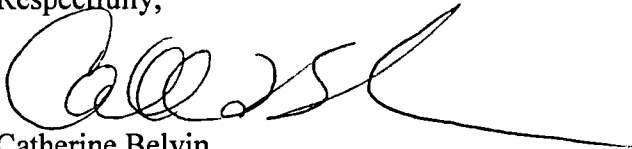
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not to exceed three (3) class enrollments for Cosmetology and/or Barbering and four (4) class enrollments for Manicurists and Esthetics. This can obviously hinder my business. The current requirement is that a school upholds a 30-1 student-teacher ratio. Why should my business or any other for that matter have to turn away potential students if I can uphold the ratio and have the facilities and equipment to provide the education? By limiting the amount of classes we are able to provide will ultimately decrease revenue, decrease my tax dollars and also future employable professionals in the industry that are also taxpayers. This could potentially cause an increase in unemployment for licensed instructors. I do not feel the State Board should have nor do they have any jurisdiction to dictate of how many classes I can have per 12-month period when I am able to meet the requirements of the ratios, facilities and equipment. A good scenario would be like telling a restaurant that they could only sell a particular number of hamburgers per year.

I would like to now address Title 3; Series 4; Section 6.3. The State Board is proposing that all students must account for any absence for more than 20% of the time after enrollment by a written excuse from a doctor, dentist, or someone who can verify to the Board the necessity of the student's absence. This further proposes that if students fall below the 80% attendance and are unable to provide reasonable explanations into the absences in excess of 20%, they may be reviewed by the Board for disciplinary action. To argue this point, each school should have policies and procedures on when and how to discipline students. These rules should not be set by State Board. The Board should only be disciplining people on sanitation and law, not absences. The Board needs to be more focused on their mission statement of *'The Board of Barbers and Cosmetologists is responsible for the health and welfare of all West Virginia citizens who seek professional services in barbering, cosmetology, manicuring and aesthetics by striving for sanitary conditions, procedures, applications, and competent services.'* and not so much of micromanaging schools in the state.

In conclusion, I would like to thank you for your time in reading my comments in regards to the Proposed Legislative Changes. I just wanted to emphasize on how these changes will have such a **drastic and negative** impact on many Cosmetology & Barbering schools, the students' education and future professionals in Cosmetology and related fields.

Respectfully,



Catherine Belvin
Owner/Director
Huntington School of Beauty Culture



Earl Ray Tomblin
Governor

State of West Virginia
Board of Barbers and Cosmetologists
1201 Dunbar Avenue
Dunbar, WV 25064

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Director
Adam L. Higginbotham

Board Members

Michael Belcher	Justina Gabbert
Sarah Hamrick	Susan Poveromo
Jim Ryan	Rick Stache

Catherine Belvin
5636 US Route 60
Huntington, WV 25705

August 21, 2012

Dear Ms. Belvin:

Thank you for your comments to the proposed Series 4 rule changes.

I understand that NACCASS is a accrediting agency that has guidelines that schools must following in order to receive federal funding. The Board is concerned about policy and handbooks that are very favorable towards schools and with limited protection for the students. The Board fields numerous complaints from students. In 2012 48% of the 96 complaints filed to the Board were against one school or another. That is a shocking number since the Board licenses nearly 18,000 individuals or businesses and only 15 schools during 2012. Often times the Board cannot assist students with legitimate complaints since the oversight is not present in rules.

In no way is the Board saying anything about doing a better job than NACCAS or the U.S. Department of Education, By mentioning those two entities you are only mudding up the water since their involvement is only financial aid. The Board is focused on ensuring the students are being taught and education are being properly treated, and that the Board has the ability to assist individuals with legitimate complaints. Currently, there is just zero state level oversight and NACCAS only has 1 individual assigned to handle West Virginia operations with a host of four other states. As the State of West Virginia Board of Barbers and Cosmetologist Director, I even have a hard time finding answers for students that have concerns about the school and when I do, NACCAS states that is a state-level issue, not an accrediting for financial aid issue. Can you image the difficulty in filing a complaint against a school to NACCAS? It's hard to get information from them. I have emails left unanswered, voicemails left unreturned, and information not provided upon request from NACCAS. That is one of the reasons I was forced to use a different regionally accredited accrediting firm with ACCSC because they were willing to provide pass rates and dropout rates to me whereas NACCAS was not.

As for your concern about the dropout rates provided from ACCSC, please know that those figures are current and are not unsupportive. The percentages that were used from West Virginia's licensing software did include student completion/dropout rates from the 90's, but below I have provided your schools percentages from 2006-2010:

Year	Student Permits Issued	Students that Received Licenses	Licensure Percentage	No License Percentage
2006	71	34	47.88%	52.11%
2007	77	32	41.55%	58.44%
2008	85	36	42.35%	57.64%
2009	75	26	34.66%	65.33%
2010*	34	10	29.41%	70.58%

*2010-Only students that started Jan-April 2010 are reviewed for completion. That allows more than 24 months for the student to complete a 15-17 month program

I think you and the Board both agree that ample book work is needed, but the concern about students losing interest because of book work would not be legitimate excuse. The students are students and it should go without saying that students should have ample time learning from the textbook. I do understand that students in theory classes are not on the clinic floor providing services that the school is compensated for by the paying customers, but to be an educational institution stating that too much time reviewing theory would be hurtful to the student does not make sense. Demonstrations can also be part of the theory course and it is only 12 hours of the 35 hours a student is registered to attend during the week.

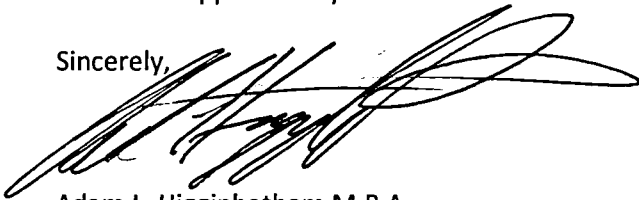
Your concern about the addition of the Board having access to student contracts is not new. The requirement already exists, but the Board does feel that having state level access to student policy books and hand books will allow the Board to assist students that file complaints. As mentioned before, 48% of all the complaints were filed against a beauty or barber school. There needs to be oversight and student protection. Since 2007, there is been no fewer than 10% of the complaints filed against a school. There are a lot of students that are not receiving any form of protection by the Board, which is the only state-level entity that can assist the students.

The Board has changed the initial proposed rule for the student enrollment periods from three times per year to six times per year. I hope this compromise is satisfactory.

As to the concern of students needing to attend 80% is not a new addition to the rule since it already exists. The Board will continue to feel that it is important that students attend school and it is a call for concern that you do not feel that promoting attendance from the school and state is needed.

The Board appreciates your comments and I thank you for taking time to share them.

Sincerely,



Adam L. Higginbotham M.B.A.
Director

WV Board of Barbers and Cosmetologist 30-27-6

To The WV Board of Barbers and Cosmetologist



I work at Morgantown Beauty College, Inc. and the proposed Legislative by the WV B of B & C Title 3, Rule Type: Legislative - Cite Authority: 30-27-6 Amendment to an Existing Rule: Yes - Title of Rule Being Amended: Operational Standards for Schools of Barbering and Beauty Culture.

I have read the proposed changes and additions to this rule and most of the proposed changes are in effect at a school if they are accredited. In the proposed change they are proposing 3.2 General Requirements for Schools of Beauty Culture and Barbering (p) School enrollment in a 12 month period shall not exceed three times per year for the cosmetology, barbering, and/or hair styling programs. School enrollment in a 12 month period shall not exceed four times per year for nail technology and/or aesthetic programs. This limits the enrollment, which is one of the items they are addressing in this rule change. The school has always had control of how many times they accept enrollment for each program. This rule will negatively effect all schools by limiting the number of times students can be accepted, Morgantown Beauty College, Inc. has always enrolled in the larger program at least 4 to 6 times a year which is every two months at this time the student has time to complete 300 Hours needed to be on clinic, at our school we don't allow students to work on clients until they have completed 450 hours. They can practice on family or each other until they feel comfortable working on a live model. The aesthetics' program takes only five months to complete and after 100 hours of instruction they start doing clients with the basic knowledge they have acquired and they continue to learn more and practice the new skills. The Nail Technology program is only 11 weeks in length less than 3 months to complete. The program has a lot of hands on skills that need to be practiced under the supervision of the clinic instructor and theory is scheduled each day for up to 3 hours or more as needed to complete. This rule needs to refer to the ratio of student to instructors if the school is staffed properly then all the issues they are trying to address with limiting enrollment are covered by federal mandate through the department of education and your accreditation specialist.

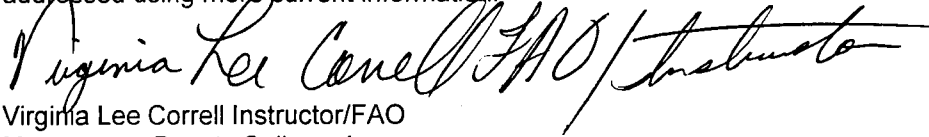
The Board has set forth the curriculum for each program and the mandate of 3 hours a day of theory 4 days a week for theory would be more theory than the 1800 hour program needs when you break down the theory and practical hours for each part of the program starting with 250 hours in Hairstyling, 100 hours of Aesthetic, and 100 hours in Nail Technology for a total of 450 hours before clinic practice begins, theory would encompass 3 hours a day three days a week twice a day for two different groups of students so that they receive the theory hours needed to complete and practice hours needed to complete the minimum requirements set forth by the board. The Board needs to be realistic in what they expect and if they want that much control then give the schools the lesson plans to follow and we will be happy to teach the programs in the order they want. The Board needs to be realistic in the expectations of each program and know the breakdown for each program such as how much theory is needed for each subject how much demonstration is needed and how much practice that is expected of each student to complete before graduation from any of the programs that are taught. If you start in the first chapter of the cosmetology textbook and teach straight through the student will not have time to complete the hands on training expected of them by the Board. That is why certain chapters are taught in the first 250 hours such as haircutting, haircoloring, chemical straightening, permanent waving, and all aspect of hair styling along with the basic understanding on sanitation, disinfection and sterilization with hands on practice in each before application to clients. Not to mention that we will teach 100 hours in aesthetics, and 100 hours in nail technology to give each cosmetologist the 450 hours needed to start applying the knowledge to clients.

Financial Aid is regulated by the Department of Education and they mandate all the rules and regulations to be followed in awarding aid to each student for all programs that qualify for aid and for all students that qualify for aid. This should not be part of the WV Board of Barbers & Cosmetologist Jurisdiction.

All catalog/handbooks, contracts are reviewed and inspected by the Accreditation Specialist sent by the accrediting agency (NACCAS) etc., this item cannot be changed unless approved by accrediting agency.

Morgantown Beauty College, Inc. has a downloadable copy of our catalog handbook on line for everyone.

Most all of the information the board is asking for is found in our handbook catalog. The information on the drops and completion rates are over 20 years old. This item needs to be addressed using more current information.

A handwritten signature in black ink that reads "Virginia Lee Correll FAO/Instructor". The signature is fluid and cursive, with the last name "Correll" being the most prominent part.

Virginia Lee Correll Instructor/FAO
Morgantown Beauty College, Inc.
vcor681331@aol.com
(304) 322-0273 Cell



Morgantown Beauty College

276 Walnut Street
Morgantown, WV 26505-5430

PHONE: 304.292.8475
FAX: 304.292.7899



August 3, 2012

WVBBC
1201 Dunbar Avenue
Dunbar, WV 25064

To: WV Board of Barbers and Cosmetologists:

Title Number: 3 Rule Type: Legislative Cite Authority: 30-27-6 Amendment to
Existing Rule : Yes Rule being Amended: Operational Standards for Schools of
Barbering and Beauty Culture.

WV School Rates that are sited in this proposal are over 20 years out of date this
should be updated to more current information to show today's completion %.

Sincerely,

Virginia Lee Correll
Financial Aid Officer/Instructor
Morgantown Beauty College, Inc.
276 Walnut Street
Morgantown, WV 26505
E-Mail: mbc2@wvdsi.net
Phone: (304) 292-8475 Ext. 11
Fax: (304) 292-7899

RESERVE YOUR FUTURE TODAY

Morgantown Beauty College, Inc., is an equal opportunity employer/program.
Auxiliary aids and services are available upon request to individuals with disabilities.



Earl Ray Tomblin
Governor

State of West Virginia
Board of Barbers and Cosmetologists
1201 Dunbar Avenue
Dunbar, WV 25064

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Director
Adam L. Higginbotham

Board Members

Michael Belcher Justina Gabbert
Sarah Hamrick Susan Poveromo
Jim Ryan Rick Stache

Virginia Correll
276 Walnut Street
Morgantown, WV 26505

August 17, 2012

Dear Ms. Correll:

Thank you for your request to update more current information to show today's completion percentage.

The chart below shows the number of students that have had received student permits from Morgantown Beauty College and the students that have obtained a licensed in West Virginia in cosmetology from 2006-2010:

Year	Student Permits Issued	Students that Received Licenses	Licensure Percentage	No License Percentage
2006	53	31	59%	42%
2007	37	17	46%	54%
2008	45	20	44%	56%
2009	67	40	60%	40%
2010*	11	4	36%	64%

*2010-Only students that started Jan-April 2010 are reviewed for completion. That allows more than 24 months for the student to complete a 15-17 month program.

As for the second letter you submitted concerning the enrollment periods, the Board decided to increase the enrollment periods from three to six times per year. I hope this compromise is satisfactory to your concerns.

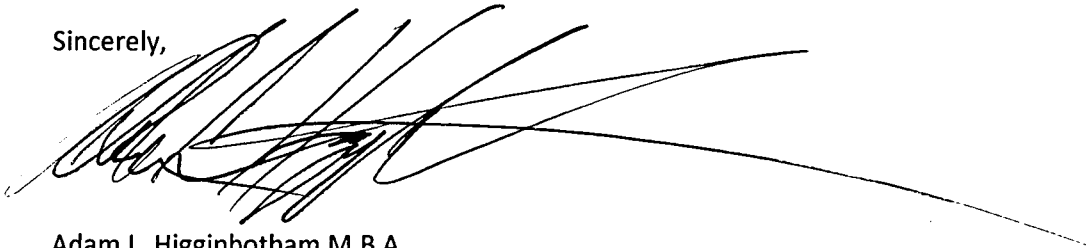
Your concern about theory courses is not completely understood, but if the theory course concludes then the student would not need to be in theory since the student would have completed the requirement. As for following the textbook, the Board feels that following the textbook in "relative order" leaves enough room for an educator, such as you, to make the decision on how to flow with the textbook. The purpose of the particular rule concerning the flow of the textbook is to prevent students from starting school and in their first class be towards the end of the book. We do have schools that have students on their first day that are "thrown-in" a class that has more than 1000 hours. The intent of the rule is to protect that student.

As for your concern about financial aid, the Board's proposed rule mentions nothing about financial aid.

All catalogs and handbooks are reviewed by NACCAS, the awarding agency, but there is no oversight into ensure schools are following the catalogs and handbooks, A lot of the complaints we receive from students about schools are because of no oversight of catalogs and handbooks. The schools change without notice, whether they are permitted to change without notice or not.. Additionally, there are some schools that charge a student \$250.00 for a copy of their transcripts that they earned. With oversight of catalogs and handbooks the Board can ensure that students are treated fairly and properly educated.

Should you have any further questions, please feel free to contact the Board office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam L. Higginbotham', with a long, sweeping horizontal line extending to the right.

Adam L. Higginbotham M.B.A.
Director

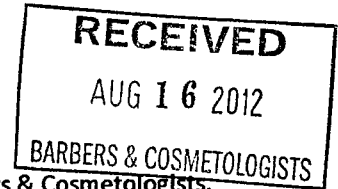
*Attempted to send by email twice.
Returned as undeliverable, apparently
Something wrong with your email*

August 14, 2012

Delegate
Rule Making Committee
Room 205E, Building 1
State Capitol Complex
Charleston, WV 25305

"Copy"

Re: Proposed Changes Operational Standards for Barbering & Beauty Schools



Dear Delegate :

I am writing this letter in response to the changes proposed by the WV Board of Barbers & Cosmetologists.

Please allow me to furnish you some background and my experience in this industry. I attended cosmetology school in 1966 at the Huntington School of Beauty Culture. For some years, I was employed in area salons as a hairdresser.

In 1984 I accepted a position at the Huntington School of Beauty Culture, where I remained for the next twenty years until I retired. During those many years, my job description was extensive and varied. You will note from an enclosed copy of my "Qualification Summary" that I possess the skills and knowledge to provide a response to the various changes proposed by Director of the WV Board of Cosmetology.

On the other hand, it is my opinion that the Director nor the members of the State Board possess neither the knowledge nor the experience in a school of barbering or cosmetology to make any informed decisions regarding changes made to the industry.

It is my understanding that Mr. Higginbotham had no knowledge of this industry until he acquired the position as the Director of the State Board. There were other persons that were much more knowledgeable and possessed the necessary experience and familiarity with the industry that should have been considered for this position, however, I understand that due to Mr Higginbotham having a "degree" he was chosen for this position. Having a degree does not guarantee that a person has the knowledge required for a specific position such as the Director of the State Board. I do not have a degree at all, however, I would put my knowledge in this industry up against that of Mr Higginbotham at any time, and, if I were not retired, I would seek this position.

I have never met Mr Higginbotham and have no personal vendetta against him, however, I do know that he is creating many problems and difficulties for the WV school owners, and, if this continues, he will force them out of business.

It is apparent from reviewing his proposed changes that he has apparently been reviewing rules and regulations by the National Accrediting Commission of Cosmetology Arts & Sciences, which is the agency that accredits the majority of cosmetology schools in the United States. One of the differences (there are many more) is that NACCAS has written specific criteria which the schools must comply with in order to maintain their accreditation. Mr Higginbotham wants to make changes, but does not apparently have any written criteria to go along with his proposed changes.

One of the most important things that the board should **NOT** be allowed to regulate is the number of classes per year that the schools can enroll. What would be his reasoning for making this proposed change? The schools must maintain a regular student base in order for the school to continue operation. This has never

will be in jeopardy as the schools may be forced to close their doors due to their inability to comply with all the rules and regulations required.

I have been told that Mr Higginbotham made a statement that he was trying to bring WV to the standards of other states. For many years, WV has had much higher standards than most all states, what he is doing is making a mockery of the industry and setting the industry back. What will be his next idea? Also, I don't even think he has taken the time to travel the state and visit the schools to see what happens in a school on a daily basis.

Also, Mr Higginbotham is also ignoring other aspects of the board, such as getting the new salons inspected and getting the licenses renewed on time. My friend opened a new salon and it took numerous calls before the salon was inspected by the board after being opened for more than a year. This would never have happened in the past. Also, I was advised by a staff person at the board recently, when calling about a license that had not been renewed (should have been received by July 1) and I was told they only do a mail out every two weeks. The licenses were received at the end of July. If the inspector had come by the salon, they could have been fined for not having the licenses renewed, even though this was the fault of the board.

I do hope that you take my concerns in consideration when making your decision about the proposed changes by the WV State Board of Barbers and Cosmetologists.

In my opinion, as well as others that I have spoken to, it would be to the advantage of the cosmetology industry that certain requirements must be met by anyone seeking the position as the Director of the Board of Cosmetology, mainly they should have industry experience, regardless of what type of degree they may hold. This position should also be appointed by the Governor of West Virginia.

I apologize for the length of this letter, however, the changes that Mr Higginbotham are making are very detrimental to the cosmetology industry, and very difficult for the schools to make all the necessary changes.

Never in the history of the cosmetology industry in the State of WV has there ever been a Director of the Board that has made so many changes as Mr Higginbotham. I would also think that WV Senators and Delegates have much more important issues at hand than these constant requests made by Mr Higginbotham.

Along with this hard copy to your office, I am also emailing a copy of my letter to your office.

Respectfully,

Patricia Blodgett

cc: All Cosmetology Schools in the State of West Virginia
✓ Mr Adam Higginbotham, Director WV Cosmetology Board

Enclosure: ~~Resume, Patricia Blodgett~~



Earl Ray Tomblin
Governor

State of West Virginia
Board of Barbers and Cosmetologists
1201 Dunbar Avenue
Dunbar, WV 25064

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www.wvbbs.org

Director
Adam L. Higginbotham

Board Members

Michael Belcher	Justina Gabbert
Sarah Hamrick	Susan Poveromo
Jim Ryan	Rick Stache

Patricia Blodgett
DID NOT INCLUDE MAILING ADDRESS

August 20, 2012

Dear Ms. Blodgett:

Thank you for your letter about the proposed rule change of Series 4. I would like to clarify that any change that occurs through legislature or that affects the industry is reviewed and voted on by the Board. The majority of my work involves financials, software, and general operations. My degrees have allowed valuable insight into how the Board can operate more effectively and efficiently. It's a continuous challenge to make improvements to the Board to run more effectively and efficiently through software enhancements, technological upgrades, national concerns of fraudulent activities, and general policies and procedures. Any concern of the industry is referred to the governor appointed Board for their determination.

The Board has reviewed comments from other school owners concerning the enrollment periods and decided to increase the number of enrollment periods from three times per year to six times per year. I hope this compromise is satisfactory since other interested parties agreed to the six times per year numbers.

Your concern about the junior and master instructor license is not relevant to the propose rule, but that past policy prohibited growth and the license was only obtainable through a school which allowed for a monopoly to be created. Since the change, the Board has seen more instructors licensed in 12 months than the Board has seen in the previous four years.

The practice of cosmetology in West Virginia is combined with hair, nails, and aesthetics. It has been that way for nearly 20 years. Cosmetologists are legally allowed to do nails and aesthetics but have very limited training under the old curriculum, but those issues are now resolved under the new curriculum. The new curriculum does not force theses student to have to learn nails and aesthetics because the proposed curriculum change creates just a hair stylist license. This will allow for individuals to learn just hair. I appreciate you supporting the need for a program to just allow hair services through the hair stylist license.

The shampoo assistant program has been successful. Licensing as a shampoo assistant has been available for three months and we have 15 licensees. Word is spreading about the new license and the Board receives frequent calls from salon owners seeking more information. I understand you wanted to have a shampoo assistant course in a beauty school for 150 hours that would cost around \$1,000. The

Board feels that a salon owner can educate the shampoo assistant on the technique of washing hair and the Board can ensure the shampoo assistant understands sanitation through a three hours course. The Board didn't feel a 150 hour program for shampoo assistants would be business friendly or promote job growth to just wash hair.

It is my understanding through personal conversations with the owner of Beckley Beauty Academy that she closed down because of retirement. Ever since my first meeting with the owner of the school she has had the school for sale. I am sorry you have heard otherwise.

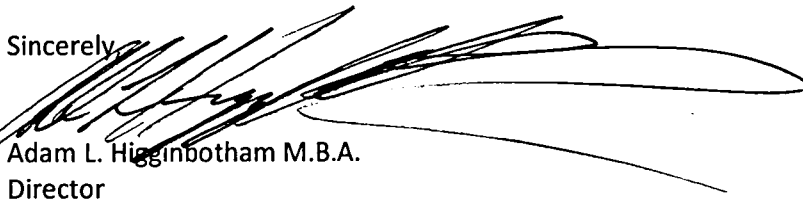
I understand that there have been changes that may not be perceived as beneficial from you and others. However, when the state has seen 61% of all students that start beauty school fail to complete from 2005 to 2010 there are issues that need to be corrected. The Board feels that we are on track to improve those numbers with a modern blocked curriculum, lowering hours that are more comparable to the rest of the country, and creating specific licensing for individuals wanting to do just hair.

None of the changes within this rule would force schools to close. Since the Board reached a compromise of six enrollment periods, there is no other item in the rule that would be a financial concern for the schools.

I have made the statement on various occasions that the Board is trying to bring West Virginia to the standards of other states. Our rules were antiquated, there were too many strict regulations, and the rules were established as a protection of other businesses and prevented growth in lieu of protecting the public and promoting growth. The Board will continue to strive to seek improvements as needed. As mentioned before, during 2005-2010, 61% of all students that started beauty school failed to get licensed. That is an issue. Additionally, we have 35% of all schools that have 66% or less of their students pass the licensing examination the first attempt. The Board refuses to accept those figures as high standards.

I would like to thank you again for your comments and if you would ever be interested in seeing the actual data, reports, and figures that have been compiled for this response, please feel free to contact me.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Adam L. Higginbotham', is written over the printed name and title.

Adam L. Higginbotham M.B.A.
Director

In reference to: Title 3 Series 4 WV Code 30-27-1

To whom it may concern

Allow me to begin by stating, I personally have been in this industry with my family for over 30 years. Over the past twenty plus years my wife and I have owned and operated day spas and salons. Currently, along with my oldest daughter, we operate a school that has been in business for over ten years. So, it stands to reason, I have an extensive background in this industry as both a business owner as well as an education provider. With this being the case, believe me when I say, the quality of this state's educational programs determine the future of the spa and salon industry in West Virginia.

The owners, faculty and staff of the other schools are also from various segments of this industry and are likewise aware of what is required to produce a skilled job force. The cosmetology/barbering schools in this state generate over one thousand professionals a year including shop owners, spa managers' barbers, stylists, nail technicians. These positions along with several other industry related occupations are viable income producers for this state. I have always contended that this industry is ever evolving, and do not disagree that some changes need to be made. What I strongly suggest is the educational institutions of this state play a more significant part in the formation of these changes. At the present time we the school owners are without representation on the board, and it is my summation that without a "voice", the cosmetology/barbering industry in West Virginia is in danger of a break down.

I would like to take this opportunity to speak candidly in reference to my individual analysis of the newly appointed board (or as Mr. Higginbotham refers to it, a "young board"), the proposed and initiated changes made by said board, and my school, the Art & Science Institute of Cosmetology and Massage Therapy.

First, it is my observation on this industry, specifically the educational component, has regressed while under the influence of Mr. Higginbotham. Under the previous administration the pass rates for the West Virginia cosmetology / barber exams were always at or above the national average. After the establishment of this "young board" you can compare and contrast the pass rates of schools including student instructors. The pass rate dropped considerably and can be checked against the board's own records. Keep in mind the curriculum and quality of education was not the altered variable. Such a drastic shift in performance cannot be a coincidence. This type of deterioration in process affects not only the schools but the entire industry. Only after a petition to then Governor Manchin did we receive a partial resolution to the problem. A national third party testing agency, D.L. Roope Inc., was put into effect to diminish the influence of the board from the testing process. Moving to a national testing agency eliminated the bias aspect and put our test scores back to the previous level they were five years earlier.

Initially the board had used that same agency to test individuals who completed the Student Instructor course as well. However, this came with a stipulation. Prior to being allowed to set for the exam the student instructor was subjected to a board administered interview and portfolio requirements. Aside from the bias nature of this review, the reality was, not one member of the board or the administration had the qualification or background in education to adequately perform such an assessment. An aspect I find ridiculous at best. After about a year, the board again changed the requirements. This time they opted to set their revisions at the opposite end of the spectrum. They did away with the requirement of the 375 hour Student Instructor program as well as the National testing agency. In place of this they now require only that the applicant have five or more years experience working in the field and sit for

the panel review. Completely negating the standard of education required to teach as well as the steps put in place to ensure an unbiased selection process.

Along with the decrease in education required by instructors, a recent bill was proposed for a reduction in required hours for all programs and an apprenticeship study for barbers that is reminiscent of the early days when a barber taught his child the trade because the educational system we have today didn't exist. If these are the kinds of changes this "young board" is initiating, it is easy to see the direction in which education in this industry is headed.

On a side note, take into consideration that not only has this board lowered the standards for instructors and students; they have also done the same with the state inspectors. The only requirement to become a state approved inspector, for a person having no previous background in the industry, is a two week class. This seems to be the standard for persons of authority in this administration, considering the administrative director that heads the board has no experience in the industry as well. I believe at one point in time the code required that both inspectors and the director were required to have a certain amount of time in the field or at least some experience within the industry.

Second, the changes that have been implemented and the emergency rules changes that have been submitted by Mr. Higginbotham have either been behind closed doors in executive session or worse yet within the confines of the office without the presence of all board members. Changes of this magnitude should be part of the public meetings so that individuals of entire industry are allowed the opportunity to state their opinions and objections. Speaking on behalf of school owners, we are only made aware of these changes when they appear for public comment having already been sent to the Secretary of State's Office. These rules and changes to chapter 30 affect the teaching of state law because they include fines, testing, administration etc. Again with no representation on the board the schools are at a loss.

Lastly, I find most of the proposed changes to Title 3 Series 4 WV code 30-27-1 entirely unwarranted, especially the restriction of starting classes only three times per calendar year. As it stands the current curriculum requires 300hrs of in class instruction, which roughly equals 3 months, before students are permitted to start clinic. This amount of time allows for a new class to start on a rotation of at least 4 starts per calendar year. The Board is also trying to make it a requirement that schools submit to them all private contracts between the institution and the student. There is absolutely no need for the Board to be involved in the legally confidential interactions relating to the schools and students. I believe this has been tested in the courts and found to be outside the scope of the boards' jurisdiction to make such a decision. If I am incorrect and it has not been tested, I feel the possibility exists it could be. As for the other changes, they should be decided on with input from both the board and the schools. The board should have to show justification as to why the changes need to be made and how they will be beneficial, and the schools should have the opportunity to debate those changes prior to them being introduced as a bill. Unfortunately at this time the board refuses to discuss anything with the school owners, which I find absolutely preposterous. It is for these reasons I postulate the education division of the cosmetology/ barber industry in West Virginia has need of representation on the board.

I would like to close with a response to Mr. Higginbotham's power point presentation portraying WV schools in such an unfavorable light. According to the information presented, West Virginia's cosmetology/barber schools seem to have a problem. Regrettably neither his mathematical skills nor his research abilities are as good as his computer skills. To begin with, deplorable the rates and numbers Mr. Higginbotham's supporting charts depict for my school are incorrect. I offer my own supporting data, showing my schools completion rate is nowhere near this invented number, and I challenge the

board to dispute my numbers. I cannot speak for the other schools, because I do not know their personal statistics. Although it stands to reason, with the discrepancy being so vast between what Mr. Higginbotham produced and my actual completion rate, other schools will have a similar issue.

I don't understand the reasons for Mr. Higginbotham's need to even bring up such numbers, other than a blatant attempt to discredit the educational institutions of barbering and cosmetology in West Virginia. As far as I can tell, a school's completion rate has no real bearing on the State Board itself. If a school truly has such a bad completion rate it will fail all on its own. For Mr. Higginbotham to publicly post such erroneous information is an attack not only on me personally but all the schools in general.

I would like to extend my appreciation to whoever reads this and I'm more than prepared for further discussions concerning these matters. If you are so inclined I can be reached at 304-612-3961.

Sincerely

Jerry Bland



Earl Ray Tomblin
Governor

State of West Virginia
Board of Barbers and Cosmetologists
1201 Dunbar Avenue
Dunbar, WV 25064

p: 304.558.2924
f: 304.558.3450
www.wvbbc.org

Director
Adam L. Higginbotham

Board Members

Michael Belcher	Justina Gabbert
Sarah Hamrick	Susan Poveromo
Jim Ryan	Rick Stache

Jay Bland
45 Corey Road
Fairmont, WV 26554

August 21, 2012

Dear Mr. Bland:

Thank you for your comments. I understand that a concern is that a school owner is not on the Board, but that is not part of the proposed Series 4 and that regulation is outside of the Board's authority.

I hope to clarify some misunderstandings about the Board changing to a third party examination company by the pressure of any governor. The Board changed on its own accord so there would be no erroneous and fictitious statements about the testing procedures. Additionally, since the Board feels that oversight needs to be implemented for schools that have low test scores the only way to accomplish the oversight fairly is from a third party performing the examinations.

I understand that you have additional allegations concerning the Board or myself, but will attempt to just focus on the proposed rule comments. The Board makes all decisions at Board meetings.

The Board has decided to increase the enrollment periods from three times per year to six times per year. I hope the compromise is satisfactory.

As for your concern with the Board not consulting with school owners, the Board does seek out advice or information from schools that have few complaints filed against them and that have not had disciplinary action taken against them. I do not feel that this is the time to discuss past actions enforced by the federal government, Board of Education, or the State Board of Barbers and Cosmetologist.

As for the data reviewed to create the percentage of students that start school and that get licensed is from the licensing software. The data is broken down below to include students that started and that eventually got licensed with your school. The figures are from 2006-2010.

Year	Student Permits Issued	Students that Received Licenses	Licensure Percentage	No License Percentage
2006	16	8	50.00%	50.00%
2007	17	9	52.94%	47.05%
2008	25	9	36.00%	64.00%
2009	18	4	22.22%	77.77%
2010*	7	3	42.85%	57.14%

*2010-Only students that started Jan-April 2010 are reviewed for completion. That allows more than 24 months for the student to complete a 15-17 month program.

Please note that there is no intention to personally attack your school and if the numbers are incorrect in the above chart, please send me an email so I can correct them. However, please do not assume that bad completion rate will fail a school in and of itself, because a school gets the student's money whether that student completes or not.

Again, thank you for your comments.

Sincerely,



Adam L. Higginbotham M.B.A.
Director



Charleston School of Beauty Culture, Inc.

August 16, 2012

WVBBC Response
1201 Dunbar Ave
Dunbar, WV 25064

Dear Legislator:

I am writing this letter in regards to the proposed changes with the West Virginia State Board of Barbers & Cosmetologists filed July 16, 2012 under series 4: Operational standards for Schools of Barbering and Beauty Culture. I feel these proposed changes will have a direct negative impact on all proprietary cosmetology/barber schools in the state, as well as the students and staff at these institutions.

I have been a licensed cosmetologist since 1971 and have been a licensed instructor in West Virginia since 1972 and a licensed instructor in Kentucky since 1987. I have worked in every area of a beauty/barber school, and have been an owner since September, 1990. Every Board since my introduction into this profession in both states have always consulted with the schools prior to changes being made to ascertain if these changes were feasible, and/or if there was a conflict with our accrediting commission or the Department of Education regulations. We have even been asked to submit curriculum for new programs or changes to existing programs. These were always two way communications between the Board members and the school owners, as well as, the professional licensees. In the past 3 ½ years since this new board was formed, numerous legislative bills have been introduced by this board. Of the over 25 bills introduced, not one educator in the State of West Virginia was consulted as to the effect these changes would have on the schools, and how these changes would need to be implemented so as to cause the least amount of disruption to the student's education. Mr. Higginbotham admitted that the Board had consulted no educator as to the content of these rule and code changes. Legislative rules were passed that increased the number of fines a salon/school could have levied against them, with some of these fines pertaining to violations the Board could not themselves define. This information had to be "Googled" by Legislative committee members.

With this new proposed legislation, I feel the Board is trying to micro-manage the schools, and place the school's license contingent upon the Board approving the school's contract with no standards. The schools in West Virginia accredited by the National Committee of Career Arts and Sciences are already committed to meeting the standards of their accrediting agency along with the criteria set by the Department of Education. Mr. Adam Higginbotham has already made the statement that "he doesn't care if the student owes the school money, if they complete their hours he will certify them, and in fact on more than one occasion, he has had



Earl Ray Tomblin
Governor

State of West Virginia
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Director
Adam L. Higginbotham

Board Members

Michael Belcher	Justina Gabbert
Sarah Hamrick	Susan Poveromo
Jim Ryan	Rick Stache

Judy Hall
Charleston School of Beauty Culture
210 Capitol Street
Charleston, WV 25301

August 20th, 2012

Dear Ms. Hall:

Thank you for your comment to the rule. This response is similar to the response to your son's letter, but I will provide clarification to your honest concern of a licensee working on an expired license. I will attempt to answer that first.

In response to your concern about a licensee working on an expired license, the individual was issued a fine (2.2) for working on an expired license on June 24th, 2011. The ticket number issued to her is E-0122 and was issued by Inspector Scarpelli. The individual owes \$100 in fines and an additional \$205.00 to reinstate her license. If you are aware of her working without a license you are encourage to file a complaint to the Board so it may be reviewed.

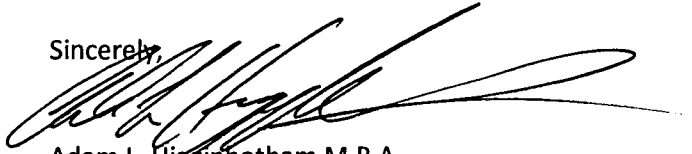
The Board decided to change the enrollment number from three times per year to six times per year. I hope this compromise is satisfactory to your school as it is for the other schools that provided insightful information in their letters.

As for your concern with the student policy book, you are aware that the Board receives more complaints filed against Charleston School of Beauty Culture than any of the other nearly 18,000 licensees. In 2012 alone your school has accumulated 18% of all complaints filed. A lot of these complaints range from the school changing policies without notifying students, the school dismissing students that file legitimate complaints to the Board against the school, the school kicking students out within hours of graduation, students not receiving quality education, hour fraud, and other miscellaneous issues. The Board feels the best way to help students and to protect their interests is by ensuring that students have rights and have a school that promotes and encourages success through a quality education.

Additionally, since August 2010, the Charleston School of Beauty Culture is tied for last place with the lowest percentage of students that pass the licensing exam the first attempt. The school has only 61% of students that pass the first attempt while the highest average is 92%. The school even falls 11% below the state's average first time pass rate of 72%. Hopefully more school oversight at the state level will help improve those figures.

Again, thank you for your response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam L. Higginbotham', with a long, sweeping horizontal line extending to the right.

Adam L. Higginbotham M.B.A.
Director

Stephen L. Hall, Esq.

Attorney at Law, #7278
3215 Bradley Road
Huntington, WV 25704
Phone: (304) 429-5417

May 14, 2012

In response to the proposed alterations of Title 3, Series 4 of the West Virginia Code of State Regulations regarding the Operational Standards for Schools of Barbering and Beauty Culture, this has got to be the most onerous, overreaching power grab I have ever seen by a state agency. These changes vastly exceed the authority of the state agency, are not authorized by the cited authority, and may very probably exceed the authority of the state legislature itself.

Starting with the cited authority under WV Code §30-27-6, which authorizes the agency to propose rules regarding (1) the standards for licenses; (2) standards for approval of courses and curriculum and (3) the procedures for renewal of licenses, the proposed rule changes goes far beyond this limited authority to set procedures and standards.

Just opposite from setting standards, the proposed rules would subject the licensee to arbitrary and capricious revocation of license without reference to any standard. The agency sets no standard for approving a course or curriculum, but dictates the course materials, when class is taught and the order it is taught. The agency does not propose procedures for renewal of licenses, it demands the authority to dictate to the schools or face revocation.

Taking a more specific look at the language proposed for WV CSR §3-4-3.2(d) adding the language, "Theory classes shall be held at least four days a week and three hours each day until theory hour requirements have been completed." This eliminates even the possibility of a school offering weekend classes for students who also work. There is no authority granted to this agency, or to the state for that matter, to dictate the hours of operation of any business which has not been deemed potentially a public nuisance. To the best of my knowledge, education has not been deemed so detrimental to the morals of society that it is subject to blue laws dictating its hours of operation.

In WV CSR §3-4-3.2(f), the agency wants to add two onerous provisions, the first of which is that students are to be taught from "the Board approved textbook." If this phrase does not remind the reader of the Nazis in Germany or the Communists in the USSR, then nothing will. This one phrase makes the very first sentence of this same subsection a lie. "Schools are not limited to any particular system of teaching beauty culture." WV CSR §3-4-3.2(f). Either you are limited to the approved system or you are not. There is no in between. This is a moronically Orwellian statement one would never expect to see outside a dictatorship.

The Board may argue that they would approve any nationally recognized textbook, but so what? What if a school wants to create their own text? What if a start up publishing company wanted to create a new text? Neither of these would be *nationally recognized*. What if the Board does not approve a published text? Does that

mean all courses in that field must cease? The Board has already proclaimed its open hostility to the one barber school in this state; what if the Board approves the cosmetology texts but no barbering text? What if the Board approves only a self published textbook and only sells the text to state ran schools, does this put the private schools which built this industry out of business? In short this single provision by itself is completely idiotic, despotic and un-American, but this provision is not alone.

In that same sentence, the Board seeks to micro-manage the inner workings of the schools by dictating the sequence of the coursework. "Provided that each student starts at the beginning of the Board approved textbook and is taught in relative order of the textbook." I have four different degrees, two undergraduate and two graduate degrees, and I can't recall a single class where the teacher stuck to the book and taught the material in the precise order it was presented in the book, with the one exception where the teacher actually wrote the book. This is a preposterous restriction on the ability of the teacher to teach. There is not one person on that Board, employed by that Board, in the legislature or in the whole world who is qualified to dictate to others in what order a class is to be taught.

More disturbing is the arbitrary criteria of *relative order*. There is no standard proposed as to how it is to be determined that a departure from the established order is *relative*. There is no stander as to who is to make that determination. I do not trust a single Board member to make that decision, alone or collectively, and I certainly do not trust Mr. Higginbotham to make such a determination. Further, with no objective standard of this relative order, it is virtually certain that the same departure by two teachers would generate different pronouncements from this agency.

Without question the absolute worst, most absurd provision of the proposed rule changes is in subsection 3.2(1), which manages in one mere paragraph to attempt five catastrophic incomprehensible power grabs.

The first change, in order of appearance, is the board's sudden demand to have copies of every school's student policy books and a copy of each and every active student contracts. Currently, schools are required to provide copies of the school's catalog and copies of the student contracts.

On the surface this may not seem like much of a change, but the contracts provided by the schools have always been generic contracts, not student specific contracts. It is one thing for a licensing board to review generic contracts, though it is actually quite questionable whether they have a legal right to do so. But as it is currently written, providing the catalogs and generic contracts appear to be, and have been used for, solely informational purposes to keep the licensing board in the loop.

Suddenly, the board no longer wants merely generic information, but student specific information. On the one hand, seeking this information is completely and utterly pointless as the board already has a generic copy of the contracts, and has all of the student specific information such as their social security number, birth date, address,

phone number *et cetera*. What they do not have, and the state has no need for, is the student specific costs and charges. This is private contractual information, which the state has no interest in knowing.

Further, there is no state interest in knowing contents of the student policy books. No other company or college in this or any other state is required to submit to the state a copy of their student policy books. There is absolutely no state interest in knowing what policies a school sets for its students or a business sets as terms of its contracts.

Merely snooping and prying into the daily affairs of individuals, businesses and their private contractual relationships is appalling enough, but the board demands the right of the government to approve of each and every policy, contractual term or rule of conduct freely and voluntarily agreed to by the free citizens of this state with regards to their barbering and cosmetology education.

While certain people maintain that the board of barbers and cosmetologists has been granted broad authority by the legislature, no legislature can bestow upon a mere unelected agency more authority than the legislature itself possesses. The State of West Virginia itself is constitutionally prohibited from exercising the dictatorial authority sought by these unelected bureaucrats to control the contractual relationships of free citizens. The Constitution of the State of West Virginia commands that "it shall be left free for every person . . . to make for his support, such private contracts as he shall please." West Virginia Constitution, Art. 3, Sect. 15. In the demand that the board approve contracts, a mere state agency seeks veto power over *private contracts* made for their support.

Further insult is the explicit threat directed at lawful private corporations that their license, their very ability to conduct business and earn their livelihood, is contingent upon the approval of the board, people they never elected, for whom they have never voted. No business or person could tolerate such a Sword of Damocles hanging over their very existence. This board must be pressed to explain how a state agency threatening the continued existence of a business is anything short of tyranny.

This vile threat to the school's license is made even more horrendous by the complete lack of any standard. The board wants to insist that the business's license is contingent upon annual re-approval even if the contracts have not changed. This provision proclaims and demands that the future decisions of the board will be arbitrary and capricious, without standard or basis. No person may operate not knowing whether they will be permitted to continue for one day to the next, and it is certain, without exception, that no one but a fool would invest money in a business under such preconditions.

The board is not seeking merely to command and control private contracts, but every day to day operation of the schools in minute details. Every rule and policy would have to be approved by the board. The immediate question becomes what if the board demands that the school have a rule or policy which conflicts with their accreditation?

They would be forced to either lose their accreditation, and thus all federal and state financial aid, or lose their license. Either way they would be out of business. If you are tempted to claim that the agency would see reason in such a situation, just look at the lack of reason they display in this pernicious demand.

Not only do they want to approve the rules, they insist that the board has to approve any rule change at least 30 days in advance. Basically, they demand a business submit any change in operations regarding their students to the government for approval. This would place the board in the position of a board of directors of every school, they would be in complete and total control of the businesses.

The effect of this proposed rule change would be to take the equitable title from the owners of the schools and place it in the hands of the board which would have complete control of the day to day operations. These contracts control the prices the schools charge; the student policies control the daily operations; the catalogs are instrumental in the marketing and recruiting. The school owners would have virtually no say in the conduct of their own business.

To take the equitable title of the business from the owners, even if legal title remains with the owner, is still a taking. The board seeks to nationalize this industry through rule making procedures. "No person shall . . . be deprived of . . . property, without due process of law, nor shall private property be taken for public use, without just compensation." Fifth Amendment of the Constitution of the United States. Under federal law, the state would be forced to buy, at market value accounting for expected future profits value of equipment *et cetera*, every private school in this state. This doesn't even begin to account for the litigation costs involved. Hitler, Stalin and Mao launched their regimes by nationalizing industries, I do not think that West Virginia wants to follow their example.

And Mr. Higginbotham has the audacity to utter the nonsense that there will be no fiscal impact of this law.

Even under this Constitutional rule, there is a problem. While this piece of legislation would unquestionably constitute a **taking** under the meaning of the Fifth Amendment, it would not be for a public use. The board is seeking to take equitable title of these companies, but so that they can continue to operate them as their own private fiefdom. There is no public use associated with the state's taking over beauty schools.

Adam Higginbotham claims to have a Masters in Business Administration. No person with even a rudimentary understanding of business would even contemplate such blatant stupidity. There would be no quicker way to drive business out of this state than to enact such tyrannical rules.

Mr. Higginbotham, in his capacity as executive director, already has a track record of committing fraud by licensing students whose hours were not certified by the schools pretending they were out of state students. In so seeking to thwart and undermine

the contractual obligations of these students as set forth in their contracts, he has effectively stolen money from these schools through his government position. These actions, if permitted in an official capacity, could constitute a Constitutional violation of both federal and state constitutions. "No state shall . . . pass any . . . Law impairing the Obligation of Contracts" United States Constitution, Art I, Sect. 10, Para. 1. "No . . . law impairing the obligation of a contract, shall be passed." West Virginia Constitution, Art. III, Sect. 4. Given Mr. Higginbotham's past disregard for his legal duties and contempt for both state and federal constitutions, it is no wonder that he now asks this legislature to grant him unconstitutional authority to seize equitable title to private businesses with this proposed rule change.

I am addressing these concerns because I know that no legislator, from either side of the aisle or from either party, would allow a petty bureaucrat to place the state in such a predicament by assuming authorities not granted him by the legislature. The Board of Barbers and Cosmetologists was given authority to set standards and procedures for school licenses. "The board shall propose rules for legislative approval . . . to implement the provisions of this article, including: (1) Standards and requirements for licenses, permits, certificates and registrations; . . . (7) Procedures for the issuance and renewal of licenses, permits, certificates and registrations;" WV Code §30-27-6(a). The legislature did not revoke the right to contract from schools or grant unlimited dictatorial powers to such a minor licensing board.

In light of this atrocious power grab, every single board member is personally responsible for official actions of their employees. The board, like any business, must be subject to the legal doctrine of *Respondeat Superior*, which holds the board responsible for the wrong-doings and misdeeds of their employees and agents once they are aware of them. The board's office manager, Adam Higginbotham, given the title of Executive Director, may be at fault for the drafting of this unconstitutional rule change proposal, but every board member is ultimately responsible for the content of the legislation proposed in their name as well as the actions of their employees taking in their official capacity. Let no one be spared.

Subsection (m), which provides that the school "shall provide theory and . . . demonstrations on subject matters prior to a student performing . . . on a customer;" is meaningless, unenforceable and an invitation to excessive litigiousness. The provision is meaningless because I do not believe any school would turn loose an untrained student on a customer with their reputation on the line. A school already has more practical economic incentive to do this than any mere legal rule could possibly provide.

Further, how could such a provision possibly be monitored without the state paying for a supervisor to stand watch over every student on the clinic floor of every school in the state at every hour. That is impracticable. There is simply no real way to monitor such a provision.

This leaves only an invitation to complaints; complaints from customers, complaints from students, anonymous complaints and complaints filed by the board

itself. Without question the majority, if not all, of such complaints would be fraudulent whether retaliation of some disaffected client, student, former student, a board employee or just a random person who wants to cause trouble.

But what possible legal standard could be applied to this situation. If the student is complaining; how could they ever prove that they were not taught? If a client; how could they even know, much less prove? Such a rule would either be meaningless and unenforceable or would tempt the state to unlawfully reverse the burden of proof shifting the burden from the accuser to the accused. The accused would have to prove their innocence. While it might be theoretically possible to document when each student was taught every procedure; they would just be accused of manufacturing that documentation and again asked to prove their innocence. I thought we were past having to prove that we were not witches. We have legal standards for just this very reason. Subsection (m) is, for the foregoing reasons, completely unconscionable.

And Mr. Higginbotham has the audacity to utter the nonsense that there will be no fiscal impact of this law.

Subsection (n) provides that students are prohibited from being charged for products when they are performing services. While most schools do not require their students to pay for products used to provide a service, I can see no reason justifying this prohibition and restricting the ability of a business from engaging in such a contractual arrangement. It is not for the board, or the legislature, to micromanage business practices in this state.

I could see where such a practice may be a valuable educational tool teaching students awareness of the costs of services so that they learn frugal habits which will help them be profitable when they are operating on their own. I could also see where such a cost feedback system could help discourage wastage and keep tuition costs lower for those students in the long run.

The market will, in the long run, determine which business practices are beneficial and successful and which practices are not. It is a terribly dangerous precedent for a state agency to start dictating the day to day operations of a business fraught with potential unintended consequences. Price fixing is always a bad economic policy and of highly questionable legal authority, outside of the emergency powers doctrine invoked in times of war or national crisis. (In my view, questionable even then.)

But even more troubling is the second line proposed in this addition to the state rules which makes the application of this provision contingent upon an arbitrary and capricious standard. It states that this rule only applies "when the student uses and acceptable amount of the product." What precisely is an acceptable amount? Who determines the acceptable amount? Are we going to have hearings and litigation and lawyers because a student used too much shampoo? There is an old legal maxim stating that the law does not deal in trifles; but that is precisely what this provision requires.

And Mr. Higginbotham has the audacity to utter the nonsense that there will be no fiscal impact of this law.

Section (o) mandates that schools must provide “students with sanitation, disinfection, and sterilization products of adequate strength at all times.” While this appears innocuous, if not redundant as sanitation and disinfection requirements are covered in other rule series, it contradicts the requirements of the educational process and curriculum. Part of what the students are learning is to mix and use disinfection and sanitation products properly, that it is mixed *of adequate strength* and that it is not mixed too concentrated to be effective, and the students are supposed to be learning to change certain of these solutions regularly. Schools are required to teach this sanitation, disinfection and sterilization.

According to this new rule, the school must mix and provide, *furnish*, the products for the students, *of adequate strength at all times*. This rule invites the students to refuse to mix the products themselves, thus never learn how to mix the products and sets the students up for future fines as they begin work unprepared.

Schools and students can already be penalized and fined for not sanitizing, disinfecting and sterilizing properly. So this new addition in subsection (o) can not be about cleanliness and health. Like the previous subsection (m) mentioned, this subsection is meaningless, unenforceable and an invitation to excessive litigiousness.

Next we come to one of the most preposterously stupid and overreaching subsections of the proposed rule, subsection (p), which seeks to dictate how many times any school may start classes each year to three classes for *cosmetology, barbering and/or hair styling programs* and four classes for *nail technology and/or aesthetics programs*. This attempts a completely immoral, illegal, unconstitutional and unconscionable restriction on free enterprise.

Not only does this minor board want to dictate the terms of the contracts a school may enter into but how often they may do so. This is the intellectual equivalent to passing a law that no person may purchase real estate in any month other than February. Most beauty schools start classes every quarter, now the board demands that they eliminate a fourth of their classes; a couple schools start classes every month, the board is demanding that they eliminate three-fourths of their classes.

More to the point, this rule would limit how much business a person may conduct. The other provisions attempt to micro-manage these businesses, this provision seeks to limit the business altogether. There is no rational reason for such a restriction other than to harm beauty and barber schools. This is a naked attack on legitimate business.

After dictating how often schools may conduct business, how they are to conduct their business, what contracts they may enter, for what they may not charge; in subsection (q) the board assumes the authority to tell people what they must sell. This unprecedented tyrannical idea that the state may tell a business what they have to sell, or a customer what they have to purchase is unconstitutionally intrusive. No state has the

authority to tell anyone what they must buy or sell. Such an act is worse than treason, it is tyranny.

This is a matter of principle, West Virginia does not have the authority to command any merchant to carry and sell a particular product or service. It is simply beyond the authority of a limited constitutional republic.

As to the other portion of this subsection (q), which states that the curriculum must include the use of clippers is certainly within the purview of the board, however, rather than being placed in Series 4, pertaining to the "Operational Standards for Schools . . ." it should properly be placed in Series 1, pertaining to the curricula standards. The state code and state regulations will become unmanageably convoluted if the legislature willfully ignores the topical structure they have established.

Series 1 was just rewritten last year. If this was a crucial, important and necessary change, then it should have properly been addressed at that time and placed in a discussion of the educational standards. Hiding additional curricula standards in another subsection of the regulation is confusing at best.

Subsection (r) simply states that the schools have to follow the state imposed catalog, policies and contracts under subsection (l). It does not, however, prescribe the consequences of not following the dictates of the board. It does, however, create serious legal questions in its own right.

Contract disputes are not within the jurisdiction of a licensing board, but fall under the jurisdiction of the Circuit Courts. Contracts are not governed by administrative law principles but by the law of contracts. Further, as a state imposed contract of adhesion, would any of the provisions dictated by the board hold up under a legal challenge in Circuit Court. In any dispute involving such an administrative dictate, the board would have no jurisdiction to hear such a case having made themselves a party to every contract by dictating its terms. This provision could only be enforced by recourse to the Circuit Court.

Moving on to another new dictate in subsection 6.3, which already requires of the student that they account for absences in excess of 20% of their scheduled time, the regulation purports to authorize *disciplinary action* by the board. The regulation does not set forth any objective criteria or standard for such *disciplinary action* or delineate what such vague *disciplinary action* may be. It certainly sounds ominous and intimidating.

Anyone who has ever studied law knows that regulations, such as the one proposed here, do not have the force of law but merely act as an expression of the agency's interpretation of the law. WV Code §30-27-20(g) lists those offences for which a permittee may be disciplined and subsection (h) lists the potential "punishments." The only offence applicable under the law is WV Code §30-27-20(g)(4), the "Intentional violation of a . . . legislative rule of the board." Clearly the student could have violated the terms of this law by violating the proposed legislative rule.

But in the case of a vaguely worded regulation, one must look at the worst case scenario to view a regulation's full potential. For those "absences in excess of 20%," (*proposed §3-4-6.3*), the student could face an "Administrative fine, not to exceed \$1,000 per day per violation." *WV Code §30-27-20(h)(3)* Supposing such a student fell below 80% attendance and remained that way for only a mere month, each day could be considered a separate violation. A student could face a fine of over \$30,000 merely for poor attendance.

This may not be what the legislature intends, or the board, but that is a possible outcome they are authorizing. A person should not face even the slightest threat of financial ruin merely for being a bad student.

The first part of the next subsection, 7.1, is simply worded poorly, that the "school shall keep a daily class record of each student, showing the number of hours *earned daily*, the total number of hours the student is in attendance and the days each student is absent." The hours in attendance and absent are fairly straight forward and in current regulations, but the designation of *earned hours* becomes a little problematic.

Typically, by contract, the student has not *earned* the hours until they have paid all outstanding monies to the school. Therefore, either the hours *earned daily* will be zero if the student has an outstanding balance with the school, or equal to the *hours in attendance* if otherwise. I can't see how keeping track of this for each individual student is the least bit helpful, but it could be a little bit invasive and certainly a bit vexatious to track for each student each day.

More troubling is the requirement that a school use "an electronic clocking system that cannot be tampered." While our school uses an electronic clocking system, I see no reason why mandating that the system be electronic is a valid state interest. Schools have tended to move from paper recording systems to electronic recording systems for their own convenience not based upon some legal mandate. A contract or deed written by hand is as valid as one written by typewriter or electronic word processor. While most lawyers use the word processor, we do not dictate by law that a hand written document is invalid. Likewise, I would question the validity and purpose of requiring an electronic clocking system.

Antiquated esthetics aside, there does not, and can not, exist a clocking system that cannot be tampered, electronic or otherwise. To require the impossible by legislative fiat makes a mockery of the law and a laughingstock of government. The best anyone may hope for is tamper resistant systems and processes of verification. Even the voting machines used by the state, which should be the most tamper proof of anything in society, have been demonstrated to have security weaknesses and vulnerabilities. If the state can not make it's own voting machines tamper-proof, how could the state demand that a school use a tamper-proof clocking system.

The last sentence added to this subsection 7.1, that each "student must clock himself or herself in and out of school" is simply an invitation for disaster. As legislative language such as "must" takes on an absolutist tone, this phrase which appears to

promote individual responsibility becomes an invitation to put the students in charge. Under this language, is an instructor prohibited from clocking a student out when they leave the school without clocking out? Does this require the student to have access to, and control of, the computer tracking the student's time? What arguments will follow when a student is sent home because of an infraction of the school's rules but refuses to clock himself out?

While a student ought to be responsible for making certain that he is on and off the clock at appropriate times; restrictive and exclusionary language requiring the student to be the one in control of the clocking in and out would have far reaching unanticipated consequences.

The final change proposed under this bill adds subsection 7.5 requiring schools to provide individual monthly reports. While a number of schools do this already for informational purposes, the US Department of Education and NACCAS, the accrediting agency, only require a progress report during each award period, which works out to about once every three months. All commercial computer school management programs are set up to meet the requirements of the US Department of Education, but not all are set up to permit a monthly report.

I would hazard a guess, though I am not certain, that most of these reporting systems do not include warnings or disciplinary actions other than those based upon academics or attendance. As disciplinary actions may occur for a multitude of reasons, this blanket requirement would certainly prove cumbersome and problematic at best. While this provision is not totally unworkable, it does not seem to have been thought through.

It also concerns me that handing a student a list of their disciplinary actions, given that I have seen students misplace or discard their monthly reports, might be somewhat embarrassing for a student. The language is also vague and unclear as to whether all disciplinary actions must be in the monthly report or only those disciplinary actions which occurred during the preceding month. If a student commits an infraction in the first month must they receive a reminder of that every month for the next year?

While that wraps up my concerns about the bill proper, the supplemental material provided by Adam Higginbotham is troubling in a number of respects which relate to the intellectual honesty of Mr. Higginbotham's representations to the WV Legislature.

On the very first page of the supplemental argumentation provided by Mr. Higginbotham, titled, *Established Benchmarks Graduation Rates*, he placed a heading for the second column which reads, "*Average Rates of Graduation Demonstrates Acceptable Student Achievement.*" As a mathematician, the rank stupidity of this phrase is appalling. Since when did the **average** become the **benchmark of acceptable achievement**. By the very definition of *average*, about half of all schools would be unacceptable at all times. Why condemn half of all schools to unacceptability. The average can never be a benchmark of acceptability to any rational person.

A normal person might set the level of acceptability demarking the top 80% of schools, separating the more troubling schools from the norm. Of course, a wise and rational person would seek to establish an objective rather than a relativistic standard, admitting the possibility that all schools could be acceptable or unacceptable.

So, Mr. Higginbotham sets as the standard the national average as the mark of acceptability in a state which consistently ranks among the poorest in performance. To any objective observer, it is obvious that this so called *benchmark* was chosen to dishonestly make as many schools as possible look like they are failing.

Symbolic of the intellectual dishonesty of this proposed power grab is Mr. Higginbotham's employment of alleged benchmarks from the Accrediting Commission of Career Schools and Colleges (ACCSC) when most, if not all, of the schools licensed by the board of barbers and cosmetologists are accredited through the National Accrediting Commission of Career Arts & Sciences (NACCAS).

Further, Mr. Higginbotham compares various school dates supposedly from 1991, 1992, 1993 or the start date of the school. This variability in the time frames from data ranging back over 20 years from some schools, perhaps less for other, simply admits that the data he is giving the legislature is inherently unreliable because of this inconsistency. He is trying to compare statistics without a common benchmark, like comparing apples and oranges. There is no mention of where Mr. Higginbotham gets this supposed data, no access to the raw data,

Looking back at the completion rates for my employer over the last 14 years, the average reported completion rate more than 1 ½ times the rate reported by Mr. Higginbotham. There is no conceivable way that Mr. Higginbotham's numbers even approach the truth. Given Mr. Higginbotham's demonstrated lack of mathematical understanding, it would be exceedingly foolish for anyone to give the slightest credence to his statistical misrepresentations.

For all of the numerous foregoing reasons I have mentioned, as well as the utter contempt and disdain Mr. Higginbotham has demonstrated for the Legislature of the State of West Virginia by submitting such a proposal, I urge the Legislature to soundly reject the rule change to Title 3, Series 4 of the WVCSR, proposed by Mr. Higginbotham.

Respectfully submitted, this Sixteenth day of August, in the year of our Lord, Two Thousand and Twelve, by:


Stephen L. Hall, Esq.



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August 20, 2012

Dear Mr. Hall:
Thank you for your comment to the rule.

The Board decided to change the enrollment number from three times per year to six times per year. I hope this comprise is satisfactory to the school you are employed at as it is for the other schools that provided insightful information in their letters.

As for your concern with the student policy book, you may be aware that the Board receives more complaints filed against Charleston School of Beauty Culture than any of the other nearly 18,000 licensees. A lot of these complaints range from the school changing policies without notifying students, the school dismissing students that file legitimate complaints to the Board against the school, the school kicking students out within hours of graduation, not receiving quality education, hour fraud, and other miscellaneous issues. The Board feels the best way to help students and to protect their interests is by ensuring students have rights and have a school that promotes and encourages success through a quality education.

Additionally, since August 2010, the Charleston School of Beauty Culture is tied for last place with the lowest percentage of students that pass the licensing exam the first attempt. The school has only 61% of students that pass the first attempt while the highest average is 92%. The school even falls 11% below the state's average first time pass rate of 72%. Hopefully more school oversight at the state level will help improve those figures.

Again, thank you for your response.

Sincerely,

Adam L. Higginbotham M.B.A.
Director