

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box
FILED
2012 JUL 16 PM 10:00
OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: BOARD OF BARBERS AND COSMETOLOGISTS TITLE NUMBER: 3

RULE TYPE: LEGISLATIVE CITE AUTHORITY: 30-27-6

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 4

TITLE OF RULE BEING AMENDED: OPERATIONAL STANDARDS FOR SCHOOLS OF
~~BARBERING AND BEAUTY CULTURE~~

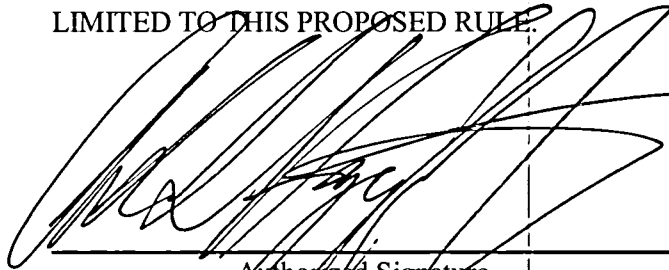
IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON August 17th AT 10:00am ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WVBBC
1201 DUNBAR AVENUE
DUNBAR, WV 25064

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: OPERATIONAL STANDARDS FOR SCHOOLS OF BARBERING AND BEAUTY CULTURE +

Type of Rule: Legislative Interpretive Procedural

Agency: BOARD OF BARBERS AND COSMETOLOGISTS

Address: 1201 DUNBAR AVENUE
DUNBAR, WV 25064

Phone Number: 304-558-2924 Email: ADAM.L.HIGGINBOTHAM@WV.GOV

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

No fiscal impact.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: OPERATIONAL STANDARDS FOR SCHOOLS OF BARBERING AND BEAUTY CULTURE +

Rule Title: _____

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

NA

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

NA

Date: 7/16/2012

Signature of Agency Head or Authorized Representative





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.wvbbs.org

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: July 16, 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.

FILED

2012 JUL 16 PM 10:00

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

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.
- (en) 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, student policy book, and student contracts 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.

(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 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.

(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.

§ 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.

STUDENT ACHIEVEMENT OUTCOMES

Research study into the graduation rates and drop rates of cosmetologists in West Virginia.

ESTABLISHED BENCHMARK GRADUATION RATES¹

PROGRAM LENGTH IN MONTHS	AVERAGE RATES OF GRADUATION DEMONSTRATES ACCEPTABLE STUDENT ACHIEVEMENT
1-3	92%
4-6	82%
7-9	69%
10-12	69%
13-15	61%
16-18	59%
19-24	56%
25-35	55%
36+	47%

1. According to Accrediting Commission of Career Schools and Colleges (ACCSC), 2010 Annual Report Review: School and Student Characteristics and Student Achievement Outcomes 2010 Fiscal Year Activity Report, (2010).

ESTIMATED COSMETOLOGY COMPLETION TIMEFRAMES

HOURS PER WEEK	MONTHS TO COMPLETE COSMETOLOGY
20	23-27
25	19-23
30	17-19
35	15-17
40	13-15

Majority of students are enrolled at 35 hours a week and should graduate within 15-17 months with proper attendance.

ESTABLISHED BENCHMARK GRADUATION RATES¹

PROGRAM LENGTH IN MONTHS	AVERAGE RATES OF GRADUATION DEMONSTRATES ACCEPTABLE STUDENT ACHIEVEMENT
13-15	61%
16-18	59%
19-24	56%
25-35	55%

Most likely month ranges.



Next most likely month ranges.



1. According to Accrediting Commission of Career Schools and Colleges (ACCSC), 2010 Annual Report Review: School and Student Characteristics and Student Achievement Outcomes 2010 Fiscal Year Activity Report, (2010).

WV SCHOOL RATES

Most schools data was reviewed from 1991, 1992, 1993, or the start date of the school. Only profession on this chart is cosmetology.

- Based on ACCSC established benchmark graduation rates, acceptable percentages are 55%-61%

SCHOOL	TOTAL ENROLLED	TOTAL DROP OUT	DROPOUT %	COMPLETE	COMPLETION %
ART & SCIENCE INSTITUTE OF COSMETOLOGY	203	129	63.54	74	36.45
BECKLEY BEAUTY ACADEMY	641	275	42.90	366	
CARVER BEAUTY ACADEMY	685	383	55.91	302	44.08
CHARLESTON SCHOOL OF BEAUTY	906	563	62.14	343	37.85
CLARKSBURG BEAUTY ACADEMY	1482	882	59.51	600	40.48
HUNTINGTON BEAUTY SCHOOL	1614	858	53.15	756	46.84
INTERNATIONAL BEAUTY SCHOOL	904	544	60.17	360	39.82
MERCER COUNTY SCHOOL OF COSMETOLOGY	188	133	70.74	55	29.25
MORGANTOWN BEAUTY COLLEGE	673	296	43.98	377	
MOUNTAINEER BEAUTY COLLEGE	811	393	48.45	418	51.54
SCOTT COLLEGE OF COSMETOLOGY	751	385	51.26	366	48.73
SOUTHERN COMMUNITY COLLEGE	27	14	51.85	13	48.14
WYOMING COUNTY CAREER AND TECH	398	189	47.48	209	52.51

WV SCHOOL RATE BARBERING

Since 1993

SCHOOL	ENROLLMENT	DROPOUT	DROPOUT %	COMPLETION	COMPLETION %
Charleston School of Beauty Culture	459	211	45.96%	248	54.03%

Barber program falls under the 13-15 month program at 35 hours per week and the completion percentage would be 61%.