



**WEST VIRGINIA  
SECRETARY OF STATE**

**NATALIE E. TENNANT**

**ADMINISTRATIVE LAW DIVISION**

eFILED

8/24/2016 8:43:34 AM

OFFICE OF  
WEST VIRGINIA SECRETARY OF STATE

**FORM 3 -- NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE  
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY **Barbers And Cosmetologists**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **3-13**

RULE NAME **Barber Apprenticeship**

CITE AUTHORITY **30-28-8(a)**

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Yes**

**Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 3-13



Rule Id: 10170



Document: 28853



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**FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 1)**

AGENCY **Barbers And Cosmetologists**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **3-13**

RULE NAME **Barber Apprenticeship**

CITE AUTHORITY **30-28-8(a)**

**PRIMARY CONTACT**

Greg Foster

812 Quarrier St., 2nd Floor

Charleston, STATE ZIP

**Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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CITE AUTHORITY **30-28-8(a)**

AUTHORIZING STATUTE(S) CITATION  
**30-27-8(a)**

DATE FILED IN STATE REGISTER WITH NOTICE OF HEARING OR PUBLIC COMMENT PERIOD  
**Tuesday, July 05, 2016**

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?  
**n/a**

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED  
**Monday, August 08, 2016**

**Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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**FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 2)**

AGENCY **Barbers And Cosmetologists**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **3-13**

RULE NAME **Barber Apprenticeship**

CITE AUTHORITY **30-28-8(a)**

ATTACH LIST OF PERSONS WHO APPEARED AT HEARING, COMMENTS RECEIVED,  
AMENDMENTS, REASONS FOR AMENDMENTS.

**No comments received**

DATE YOU FILED IN STATE REGISTER THE AGENCY APPROVED PROPOSED LEGISLATIVE RULE  
FOLLOWING PUBLIC HEARING: (BE EXACT)

**Friday, August 19, 2016**

**Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in  
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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**FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 3)**

AGENCY **Barbers And Cosmetologists**  
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RULE NAME **Barber Apprenticeship**  
  
CITE AUTHORITY **30-28-8(a)**

IF THE STATUTE UNDER WHICH YOU PROMULGATED THE SUBMITTED RULES REQUIRES CERTAIN FINDINGS AND DETERMINATIONS TO BE MADE AS A CONDITION PRECEDENT TO THE PROMULGATION. 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.

**Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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**FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 4)**

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RULE NAME **Barber Apprenticeship**

CITE AUTHORITY **30-28-8(a)**

DATE OF HEARING OR COMMENT PERIOD

ON WHAT DATE DID YOU FILE IN THE STATE REGISTER THE FINDINGS AND DETERMINATIONS  
REQUIRED TOGETHER WITH THE REASONS THEREFOR?

ATTACH FINDINGS AND DETERMINATIONS AND REASONS  
**None**

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Yes**  
**Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in  
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 3-13



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)**

AGENCY **Barbers And Cosmetologists**  
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CITE AUTHORITY **30-28-8(a)**

**PRIMARY CONTACT**

Greg Foster  
812 Quarrier St., 2nd Floor

Charleston, STATE ZIP

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RULE NAME **Barber Apprenticeship**

CITE AUTHORITY **30-28-8(a)**

SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

**The proposed changes will have no impact on costs and revenues of State Government.**

**Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 3-13



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)**

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RULE NAME **Barber Apprenticeship**

CITE AUTHORITY **30-28-8(a)**

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.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
<b>ESTIMATED TOTAL COST</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>PERSONAL SERVICES</b>			
<b>CURRENT EXPENSES</b>			
<b>REPAIRS AND ALTERATIONS</b>			
<b>ASSETS</b>			
<b>OTHER</b>			
<b>ESTIMATED TOTAL REVENUES</b>	<b>0</b>	<b>0</b>	<b>0</b>

Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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**FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)**

AGENCY **Barbers And Cosmetologists**  
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CITE AUTHORITY **30-28-8(a)**

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

n/a

**Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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CITE AUTHORITY **30-28-8(a)**

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.

n/a

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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**FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)**

AGENCY **Barbers And Cosmetologists**  
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **3-13**  
RULE NAME **Barber Apprenticeship**

CITE AUTHORITY **30-28-8(a)**

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

Proposed amendments are necessary to conform to changes to W. Va. Code 30-27-1 et seq. made last legislative session pursuant to Senate Bill 524. Also changes in table 1 to correct the number of practical hours needed in professional barbering for full apprentice.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

**Yes**  
**Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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TITLE 3  
LEGISLATIVE RULES  
WEST VIRGINIA BOARD OF BARBERS AND COSMETOLOGISTS

SERIES 13  
BARBER APPRENTICESHIP (NO CHEMICAL SERVICES)

**§ 3-13-1. General.**

- 1.1. Scope. -- This legislative rule establishes a barber apprenticeship.
- 1.2. Authority. -- W. Va. Code §30-27-8(a).
- 1.3. Filing Date. -- ~~May 16, 2013.~~
- 1.4. Effective Date. -- ~~June 1, 2013.~~
- 1.5. Sunset Date . -- Ten (10) years after effective date.

**§ 3-13-2. Definitions.**

- 2.1. "Barber Apprentice" means a permitted person seeking to learn barbering under a permitted master barber.
- 2.2. "Master Barber" means a permitted licensed barber that instructs and is responsible for a barber apprentice during the time of the apprenticeship.
- 2.3. "Barber Apprenticeship" means the program in which a master barber instructs a barber apprentice in the profession of barbering which includes theory and practical instruction.
- 2.4. "Paying Customer" means an individual paying for services.
- 2.5. "Cosmetologist" means a person licensed under the provisions of this article 27 chapter 30 who engages in the practice of cosmetology.

**§ 3-13-3. Qualifications for a Barber Apprentice.**

3.1 To be eligible to practice as a barber apprentice an applicant:

- 3.1.a. Is at least ~~eighteen~~ sixteen years of age;
- 3.~~2~~1.b. Is of good moral character;
- 3.~~3~~1.c. Has a high school diploma, a GED, or has passed the "ability to benefit test"

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approved by the US Department of Education;

3.41.d. Has paid the application fee;

3.51.e. Has a certificate of health from a licensed physician;

3.61.f. Is a citizen of the United States or is eligible for employment in the United States; and

3.71.g. Has submitted completed application to the Board.

#### § 3-13-4. Qualification for a Master Barber Offering Barber Apprenticeship

4.1. To be eligible to be a master barber a licensee:

4.1.a. Has had an active Barber license in West Virginia for at least five years;

4.21.b. ~~Currently owns~~ Has worked in a licensed barber shop in West Virginia for the last at least five years with at least two barber chairs in the barber shop;

4.31.c. Is of good moral and responsible character;

4.41.d. Has consistent history of satisfactory inspections conducted by Board's agent at shop.

4.51.e. Has an individual license ~~and barber shop license~~ currently in good standing with the Board; and works in a barber shop currently in good standing with the Board;

4.61.f. Has paid the application fee; and

4.71.g. Has submitted completed application to the Board.

#### § 3-13-5. Apprentice Requirements

5.1. To obtain a barber's license a barber apprentice:

5.1.a. Shall complete 2,400 hours of apprenticeship training offered solely by a master barber as in Table 1 or in conjunction with a school teaching theory courses outlined in Table 2 prior to commencing practical work in a licensed facility or through a Board pre-approved online theory educational program for teaching theory courses outlined in Table 2.

5.21.b. Shall complete the curriculum listed in Table 1.

5.31.c. Shall obtain a work permit from the Board immediately after completing

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apprenticeship hours and while waiting to take the examination. A work permit can only be issued if the applicant is registered for the upcoming examination and can only be renewed once.

5.41.d. May receive compensation after earning no less than 600 hours of apprenticeship hours.

5.51.e. Shall obtain 100 hours of theory work focusing on General Professional Information, The Science of Barbering, and Professional Barbering categories, as indicated in Table 1, before commencing practical work on a mannequin. Applicant must also obtain at least 50 hours of practical work on a mannequin before practicing on a live individual in a licensed facility.

5.61.f. Shall use Milady Barbering Textbook or Pivot Point Barbering Textbook, less than 5 years from published date, for apprenticeship theory work.

5.71.g. Shall successfully pass each chapter review examination with at least a 70% and shall retain each examination for a period of two years after completion of apprenticeship program.

5.81.h. Shall complete apprenticeship program within 30 months of commencing studies.

5.91.i. Shall have direct supervision from the registered Master Barber while performing services.

5.101.j. Shall work with Master Barber to ensure accurate record keeping including, but not limited to, daily hours attended, number of customers serviced, hours spent learning theory, and other information to assist with ensuring completion of the apprentice program. A Board created and required records form will be issued to apprentice and Master Barber. Tracking of hours, services, and education progress will be indicated on the form.

5.111.k. Shall keep all records on file at the Master Barber's shop for inspection by the Board or its agents.

5.121.l. Shall have access to all records pertaining to his/her apprenticeship within three days of request from Master Barber.

5.131.m. Shall submit to questions from Board's agent pertaining to sanitation steps and processes used.

5.141.n. Shall submit an application for registration for licensure after completing apprenticeship and passing the barber examination.

**§ 3-13-6. Master Barber Requirements.**

6.1 To be a master barber a licensed barber shall:

6.1.a. Follow the curriculum listed in Table 1 if apprentice follows Table 1 for licensure.

6.21.b. Promote good attendance from applicant that would ensure completion of the barber apprenticeship within 30 months of commencing studies.

6.31.c. Ensure apprentice completes at least 150 hours and is professionally competent before practicing on a live individual in a licensed facility.

6.41.d. Grade and oversee completion of theory work and written examinations.

6.51.e. Oversee and check all practical work performed during the apprenticeship.

6.61.f. Use Milady Barbering Textbook or Pivot Point Barbering Textbook, less than 5 years from published date, for apprenticeship theory work.

6.71.g. Keep accurate records to include name of apprentice(s), daily hours attended, number of customers serviced, hours spent learning theory, and other information to assist with ensuring completion of the apprentice program.

6.81.h. Submit monthly records on a form created by the Board electronically, ~~as mentioned in 6.7 to the Board.~~

6.91.i. Have no more than two apprentices at any time.

6.101.j. Assume professional responsibility over apprentice at all times while apprentice is in the shop and must have direct supervision over apprentice while apprentice is performing services.

6.111.k. Perform frequent practical demonstrations for apprentice to include haircuts, shaves, styling, and other techniques commonly used by licensed barbers. Demonstrations may be done on paying customers or mannequin. Master Barber will determine when an apprentice is ready to perform on paying customer, provided that, apprentice has completed at least 350 hours of the apprenticeship program.

6.121.l. Submit to inspection of shop, apprentice documents, and other required records ensuring compliance with this rule and other rules created by the Board.

6.131.m. Earn 4 3 hours of continuing education every ~~calendar~~ other year in accordance to series 11.

**§ 3-13-7. Master Barber's Shop Requirements**

7.1. Shop shall have at least two working barber chairs.

7.2. Shop shall maintain proper equipment in good repair and products to perform daily services typically offered in a barber shop.

7.3. Shop shall have and post a sign clearly visible to the public indicating a barber apprentice is on staff and shall have service prices indicating the cost for barber apprentice.

**§3-13-8. Cosmetologist Requirements for Barber Apprenticeship**

8.1 A cosmetologist who wants to obtain licensure as a barber through an apprentice program shall:

8.1.a. Submit application to the Board;

8.21.b. Pay the applicable issuance fee;

8.31.c. Have a West Virginia license in good standing;

8.41.d. Complete 20 hours of apprenticeship in shaving and its techniques with 2 hours being in theory and 18 hours being in practical work and demonstration observations;

8.51.e. Complete 60 hours of apprenticeship in clipper technique and style with 5 hours being in theory and 55 hours being in practical work and demonstration observations;

8.61.f. Complete the total 80 hour apprentice program within 6 months of commencing studies; and

8.71.g. Sit for the barber examination and must pass within 6 months of completing apprenticeship.

**§ 3-13-9. Revocation of Master Barber and Barber Apprentice Permit**

9.1. The permit of a Master Barber and Barber Apprentice may be revoked or suspended by the Board for any reason specified in W.Va. Code § 30-27-1 *et seq.*

**§ 3-13-10. Administrative Due Process**

10.1. Those persons adversely affected by the enforcement of this rule have the right to request a hearing in a manner pursuant to the provisions of W.Va. Code § 30-27-1 *et seq.*

**TABLE 1**  
**(Option 1: Full Apprenticeship in a Shop Under Master Barber)**

<b>General Professional Information</b>	<b>Theory Work</b> 100 Clock Hours	<b>Practical Work</b> 0 Clock Hours
<p>In this section, students will learn by reading required textbook, lectures from Master Barber, and chapter review examinations:</p> <ul style="list-style-type: none"> <li>· Professional Development</li> <li>· Effective Communication</li> <li>· Human Relations</li> <li>· Business Management/Ownership</li> <li>· State Law</li> <li>· Sanitation in the Licensed Facility</li> <li>· Sanitation Processes and Guidelines</li> <li>· First Aid</li> <li>· General Infection Control</li> </ul>		
<b>Introduction into Barbering</b>	<b>Theory Work</b> 3 Clock Hours	<b>Practical Work</b> 0 Clock Hours
<p>In this section, students will learn by reading required textbook, lectures from Master Barber, and chapter review examinations:</p> <ul style="list-style-type: none"> <li>· Course Outlines</li> <li>· History of Barbering</li> <li>· Study Skills</li> <li>· Professional Image as a Student and Future Licensee</li> </ul>		
<b>The Science of Barbering</b>	<b>Theory Work</b> 200 Clock Hours	<b>Practical Work</b> 150 Clock Hours
<p>In this section, students will learn by reading required textbook, lectures from Master Barber, and chapter review examinations:</p> <ul style="list-style-type: none"> <li>· Microbiology</li> <li>· Infection Control Specifically to Barbering</li> <li>· Implements, Tools, and Equipment</li> <li>· Anatomy and Physiology</li> <li>· Chemistry</li> <li>· Electricity</li> <li>· Properties and Disorders of the Skin, Hair, and Scalp</li> </ul>		

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<b>Professional Barbering</b>	<b>Theory Work</b> 150 Clock Hours	<b>Practical Work</b> <del>1797</del> <u>1,397</u> Clock Hours
<p>In this section, students will learn by watching demonstrations of the items below, reading required textbook, lectures from Master Barber, and chapter review examinations:</p> <ul style="list-style-type: none"> <li>· Treatment of the Hair and Scalp</li> <li>· Shaving and Facial Hair Design</li> <li>· Men’s Haircutting and Styling</li> <li>· Men’s Hair Replacements</li> </ul>		
<b>Total Barbering Program</b>  <b><i>TOTAL HOURS- <del>2,000</del> <u>2,400</u></i></b>	<b>Theory Work</b> 453 Clock Hours	<b>Practical Work</b> <del>1947</del> <u>1,547</u> Clock Hours

TABLE 2

**(Option 2 Part 1: Theory of Apprenticeship at a School)**

<b>General Professional Information</b>	<b>Theory Work</b> 100 Clock Hours	<b>Practical Work</b> 0 Clock Hours
<p>In this section, students will learn by reading required textbook, lectures from Master Barber, and chapter review examinations:</p> <ul style="list-style-type: none"> <li>• Professional Development</li> <li>• Effective Communication</li> <li>• Human Relations</li> <li>• Business Management/Ownership</li> <li>• State Law</li> <li>• Sanitation in the Licensed Facility</li> <li>• Sanitation Processes and Guidelines</li> <li>• First Aid</li> <li>• General Infection Control</li> </ul>		
<b>Introduction into Barbering</b>	<b>Theory Work</b> 3 Clock Hours	<b>Practical Work</b> 0 Clock Hours
<p>In this section, students will learn by reading required textbook, lectures from Master Barber, and chapter review examinations:</p> <ul style="list-style-type: none"> <li>• Course Outlines</li> <li>• History of Barbering</li> <li>• Study Skills</li> <li>• Professional Image as a Student and Future Licensee</li> </ul>		
<b>The Science of Barbering</b>	<b>Theory Work</b> 200 Clock Hours	<b>Practical Work</b> 0 Clock Hours
<p>In this section, students will learn by reading required textbook, lectures from Master Barber, and chapter review examinations:</p> <ul style="list-style-type: none"> <li>• Microbiology</li> <li>• Infection Control Specifically to Barbering</li> <li>• Implements, Tools, and Equipment</li> <li>• Anatomy and Physiology</li> <li>• Chemistry</li> <li>• Electricity</li> <li>• Properties and Disorders of the Skin, Hair, and Scalp</li> </ul>		

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<b>Professional Barbering</b>	<b>Theory Work</b> 150 Clock Hours	<b>Practical Work</b> 0 Clock Hours
<p>In this section, students will learn by watching demonstrations of the items below, reading required textbook, lectures from Master Barber, and chapter review examinations:</p> <ul style="list-style-type: none"> <li>• Treatment of the Hair and Scalp</li> <li>• Shaving and Facial Hair Design</li> <li>• Men’s Haircutting and Styling</li> <li>• Men’s Hair Replacements</li> </ul>		
<b>Total Barbering Theory by school/online</b>  <i><b>TOTAL HOURS of THEORY 453 hours</b></i>	<b>Theory Work</b> 453 Clock Hours	<b>Practical Work</b> 0 Clock Hours

TABLE 3

**(Option 2 Part 2: Practical Work in a Shop Under Master Barber)**

<b>The Science of Barbering/General Professional Information (continued)</b>	<b>Theory Work 0 Clock Hours</b>	<b>Practical Work 150 Clock Hours</b>
<p>In this section, students will learn by reading required textbook, lectures from Master Barber, and chapter review examinations:</p> <ul style="list-style-type: none"> <li>• Microbiology</li> <li>• Infection Control Specifically to Barbering</li> <li>• Implements, Tools, and Equipment</li> <li>• Anatomy and Physiology</li> <li>• Chemistry</li> <li>• Electricity</li> <li>• Properties and Disorders of the Skin, Hair, and Scalp</li> <li>• Sanitation in the Licensed Facility</li> <li>• Sanitation Processes and Guidelines</li> <li>• First Aid</li> <li>• General Infection Control</li> </ul>		
<b>Professional Barbering</b>	<b>Theory Work 0 Clock Hours</b>	<b>Practical Work 1,797 Clock Hours</b>
<p>In this section, students will learn by watching demonstrations of the items below, reading required textbook, lectures from Master Barber, and chapter review examinations:</p> <ul style="list-style-type: none"> <li>• Treatment of the Hair and Scalp</li> <li>• Shaving and Facial Hair Design</li> <li>• Men's Haircutting and Styling</li> <li>• Men's Hair Replacements</li> </ul>		
<b>Total Barbering Practical with Master Barber</b>  <i>TOTAL HOURS-1,947</i>	<b>Theory Work</b>  0 Clock Hours	<b>Practical Work</b>  1,947 Clock Hours