

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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1991 JUN 17 PM 1:56

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: WV BOARD OF BARBERS AND BEAUTICIANS TITLE NUMBER: 3

RULE TYPE: LEGISLATIVE; CITE AUTHORITY §30-27-1

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: CURRICULUM AND MINIMUM REQUIREMENTS,
SUBJECTS AND HOUR SCHEDULE, RULES AND REGULATIONS FOR SCHOOLS
OF BEAUTY CULTURE OPERATING IN WEST VIRGINIA; JOINT BARBER
AND BEAUTICIAN LICENSE

IF NO, SERIES NUMBER OF NEW 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 JULY 22, 1991 AT 4:30 PM

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

• BOARD OF BARBERS AND BEAUTICIANS
GUTHRIE CENTER
4860 BRENDA LANE
CHARLESTON, WV 25312

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


Taunja Willis Miller, Secretary

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

3.60

FISCAL NOTE FOR PROPOSED RULES

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Rule Title: CURRICULUM AND MINIMUM REQUIREMENTS, SUBJECTS AND HOUR SCHEDULE, RULES AND REGULATIONS FOR SCHOOLS OF BEAUTY CULTURE OPERATING IN WV, JOINT BARBER AND BEAUTICIAN LICENSE
STATE OF WEST VIRGINIA
 SECRETARY OF STATE

Type of Rule: X Legislative Interpretive Procedural

Agency BOARD OF BARBERS AND BEAUTICIANS Address 4860 BRENDA LANE, GUTHRIE CENTER, CHARLESTON, WV 25312

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$ 0	\$ 0	\$ 0
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates.
 The proposed rule will not affect present or future budgets.

3. Objectives of these rules: The proposed amendments 1) delete curriculum and licensing information which will be consolidated along with similar information from all other series of our Legislative Rules. Said information will be included within a new Legislative Rule, series 4. 2) changes terminology from beautician and beauty culture to cosmetologist and cosmetology. 3) Changes title of senior instructor to master instructor and makes other minor "clean up" changes.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

NONE

B. Economic Impact on Political Subdivisions; Specific Industries;
Specific groups of citizens.

NONE

C. Economic Impact on Citizens/Public at Large.

NONE

Date 6/12/91

Signature of Agency Head or Authorized Representative



LARRY W. ABSTEN, DIRECTOR
BOARD OF BARBERS AND BEAUTICIANS

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WEST VIRGINIA BOARD OF BARBERS AND BEAUTICIANS

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RULE ABSTRACT

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Title: Curriculum and Minimum Requirements, Subjects and Hour
Schedule, Rules and Regulations for Schools of Beauty
Culture Operations in West Virginia; Joint Barber and
Beautician License

CSR Title & Series: 3 CSR 1

Type: Legislative

Summary: The proposed amendments: 1) change the title of Series 1.
2) deletes all curriculum and licensing requirements. 3) changes
terminology from "Beauty Culture" and "Beautician" to "Cosmetology"
and "Cosmetologist". 4) changes "Senior" or "Regular" instructor
title to "Master" instructor and makes other minor "clean up"
changes. 5) delete repeal of rule clause.

For further information contact: West Virginia Board of Barbers and
Beauticians, Guthrie Center, 4860 Brenda Lane, Charleston, West
Virginia, 25312. Telephone: 348-2924.

(PROPOSED)

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TITLE 3
LEGISLATIVE RULES
BOARD OF BARBERS AND BEAUTICIANS

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 1

~~CURRICULUM-AND-MINIMUM-REQUIREMENTS, SUBJECTS-AND-HOUR-SCHEDULE,
RULES-AND-REGULATIONS-FOR-SCHOOLS-OF-BEAUTY-CULTURE
OPERATING-IN-WEST-VIRGINIA, JOINT-BARBER-AND-BEAUTICIANS-LICENSE~~

RULES, REGULATIONS, AND MINIMUM REQUIREMENTS FOR SCHOOLS
OF COSMETOLOGY OPERATING IN WEST VIRGINIA

§3-1-1. General

1.1. Scope - This legislative rule establishes curriculum and minimum requirements, ~~subjects-and-hour-schedules,~~ rules and regulations for schools of beauty-culture cosmetology operating in West Virginia.

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 -

1.5. Approval Date - This rule was approved by the West Virginia Board of Barbers and Beauticians on

1.6. Supersession and Repeal of Former Regulations - This rule supersedes and repeals "Curriculum and Minimum Requirements, Subjects and Hours Schedule, Rules and Regulations for Schools of Beauty Culture Operating in West Virginia; Joint Barber and Beautician License", Board of Barbers and Beauticians Legislative Rules, 3 CSR 1, filed December 7, 1990, and effective July 1, 1991.

§3-1-2. Application and Enforcement

2.1. Application - This rule applies to owners and operators of schools of beauty-culture cosmetology, ~~and-persons-seeking-a-joint-barber-and-beautician-license.~~

2.2. Enforcement - The enforcement of this rule is vested with the West Virginia Board of Barbers and Beauticians.

§3-1-3. Schedule-of-Subjects-and-Hours Operation of Schools of Cosmetology

3.1. Minimum-Curriculum-for-Beautician-LicenseReporting Requirements

3.1.1. Every West Virginia school of beauty culture shall conduct a course of study consisting of a minimum of two thousand (2000) clock hours, divided as shown in Table 3-1A at the end of this rule. On the first day of each month the school shall post on a bulletin board available to all students 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 shall be left posted the entire month. The final examination of each student shall also be made a part of the application for examination of each student before the West Virginia Board of Barbers and Beauticians.

3.1.2. A copy of this rule must be posted on a bulletin board available to all students.

3.1.3. The objectives of this cosmetology curriculum are to train students in all phases of beauty culture to adequately pass the Board examination and to attain successful employment in the beauty industry.

3.1.4.3. Practical work during the first three hundred (300) hours shall be restricted to manikins only.

3.2. Curriculum for Barbers to Obtain a Cross-Over Cosmetologist License --- The curriculum for a barber to adequately pass the cosmetologist examination in order to obtain a cross-over cosmetologist license is shown in Table 3-1B found at the end of this rule. --- An individual must have completed the one thousand eight hundred (1,800) of barber's training prior to taking the five hundred (500) hour cosmetology cross-over license training. --- An individual who has completed the barber's training may, however, take the cosmetology cross-over training prior to taking the barber examination. --- Upon completing both sets of training requirements, the individual must then submit to both the one thousand eight hundred (1,800) hour barber examination and the five hundred (500) hours cosmetology examination. --- Out-of-state applicants shall be considered on an individual basis. --- Requirements which are substantially equal are accepted. --- Requirements of less than one thousand eight hundred (1,800) hours barber's training are usually accepted if supplemented by one (1) year of practical experience for every three hundred (300) hours of schooling not to exceed one thousand (1,000) hours.

3.3. Curriculum for Cosmetologists to Obtain a Cross-Over Barber License --- The curriculum for a cosmetologist to adequately pass the barber examination in order to obtain a cross-over barber license is shown in Table 3-1C found at the end of this rule. Individuals must have completed two thousand (2,000) hours of cosmetologist's training prior to taking the three hundred (300) hours barber cross-over license training. --- An individual who has completed the cosmetologist's training may, however, take the barber cross-over training prior to taking the cosmetology examination. Upon completing both sets of training requirements, the individual must then submit to both the two thousand (2,000) hour cosmetology examination and the three hundred (300) hours barber examination. Out-of-state applicants shall be considered on an individual basis.

~~Requirements substantially equal are accepted. -- Requirements of less than two thousand (2,000) hours cosmetologist's training are usually accepted if supplemented by one (1) year of practical experience for every three hundred (300) hours of schooling not to exceed one thousand (1,000) hours.~~

~~3.4. Persons who have completed the cross-over curriculum from barbering to beauty culture or beauty culture to barbering shall be issued a joint Barber/Cosmetology license and shall be liable for only one annual renewal fee of twenty-five dollars (\$25.00).~~

\$3-1-4. Qualifications, Classrooms, Equipment and General Instructions

4.1. Qualifications - A school owner, or any person who intends to own a school of beauty culture cosmetology in this State, is required to submit to the West Virginia Board of Barbers and Beauticians satisfactory evidence as to the character and competency of the persons interested in managing and teaching in the school, literature and advertising material pertaining to the school, a copy of the contract to be signed by the prospective students and establish any necessary facts regarding the ownership of the school.

4.2. Classrooms, Equipment - Each school of beauty culture cosmetology shall have a minimum of two (2) classrooms in use at all times. One (1) room, to be used for demonstrations, or lecture, or clinical work, shall be fully equipped and arranged in a manner to comply in every way, and at all times with the rules promulgated by the West Virginia Board of Barbers and Beauticians. Following is an approved list of the minimum equipment with which a beauty school will be permitted to operate for a maximum of twenty (20) students. Additional equipment must be installed in proportion to the increase in enrollment.

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

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

(c) Five (5) shampoo bowls.

(d) Ten (10) hairdryers.

(e) Three (3) facial chairs.

(f) Two (2) facial supply trays.

(g) Two (2) hydraulic haircutting chairs.

(h) Two (2) vibrators.

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- (i) Two (2) therapeutic lamps.
- (j) Four (4) manicure tables.
- (k) Sufficient clean linen cabinet space.
- (l) One (1) dip (wet) sterilizer for each booth and work table.
- (m) Dry sterilization sufficient to accommodate as many students as are engaged in clinical work at any one time.
- (n) Sufficient training aids.
- (o) Twenty (20) hairdressing chairs.
- (p) Head manikins to be furnished by the school for each student, as part of kit for practical hairdressing.
- (q) Twenty (20) classroom chairs.
- (r) At least ten (10) waste containers.
- (s) One (1) large bulletin board conspicuously located for student permits, rules, regulations, notices, etc.
- (t) One (1) set of record files.

4.3. General Instructions

- (a) The classroom shall be equipped with a chalkboard and scientific illustrations dealing with cosmetology. This room shall be used for lectures, demonstrations or scientific instruction to students.
- (b) All schools shall provide and maintain adequate rest-room facilities.
- (c) No students will be permitted to enter any class for study, or given credit for any work done in school, prior to the time their license has been received from the office of the Board.
- (d) All books and literature that will aid in student learning are encouraged to be used.
- (e) Each school of ~~beauty-culture~~ cosmetology shall maintain a library of suitable reference books approved by the Board annually.
- (f) Each school of ~~beauty-culture~~ cosmetology shall hold regular classes for the teaching of both the theory and the practice of all branches of ~~beauty-culture~~ cosmetology.

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(g) Schools shall not guarantee positions to students, nor guarantee financial aid in equipping a shop.

(h) Schools are not limited to any particular system of teaching cosmetology. Students should be familiar with the various methods and practices in their profession and the different supplies and equipment used in the beauty industry.

(i) Each school must have an admission office, properly equipped with filing cabinet, etc., and maintain duplicate copies of records sent to the West Virginia Board of Barbers and Beauticians.

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

(k) All service prices must be displayed 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.

(l) Instructors, as well as students, must, during school hours, be attired in washable uniforms, which must be kept clean and neat at all times. Uniforms worn by the instructors must be different from those worn by the students so they may be easily recognized.

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

(n) The West Virginia Board of Barbers and Beauticians shall be furnished with a copy of the current school catalog and copies of all student contracts. At any time changes are made in any of the above, the Board shall be furnished with a copy of same, as revised within thirty (30) days of the change or revision.

§3-1-5. Attendance, Records, Teaching Staff

5.1. Attendance

(a) All schools of ~~beauty-culture~~ cosmetology must establish regular school hours.

(b) Schools shall require that all students attend classes at least eighty percent (80%) of the time enrolled in school. Attendance shall not be required to exceed eight (8) hours per days, exclusive of lunch period. Any absence for more than twenty percent (20%) of the time after enrollment must be accounted for by a written excuse from a doctor, dentist, or someone acceptable to the Board,

who can certify to the necessity for such absence.

Note: Hours herein referred to shall mean full clock hours.

5.2. Records

(a) Daily Records - Each school shall keep a daily class record on each student, showing hours devoted to the respective subjects, and the total number of hours in attendance, days present and days absent.

(b) Monthly Records - A monthly record of the entire enrollment must be sent to the office of the West Virginia Board of Barbers and Beauticians on or before the fifth working day of each month on forms furnished to the schools for that purpose, showing the student's name, permit number, number of months reported, hours absent, hours present, total hours and their projected graduation date.

(c) Permanent Records - A permanent record shall be compiled by the manager of each school from the daily class records. This record shall be subject to inspection at any time by any member of the West Virginia Board of Barbers and Beauticians, or any authorized representative.

(d) Final - The manager of each school shall compile from his or her records a summary of each student's grades, hours and attendance, which shall be presented to the student upon graduation, and shall also be made a part of his or her application for licensure by examination. The manager must sign each copy of the required records, certifying that the record is correct, and that the student has received a diploma from his or her school.

5.3. Teaching Staff

(a) No school will be permitted to open or operate with less than three (3) licensed senior master instructors: Provided, that schools having a valid license as of the effective date of this rule shall employ a minimum of two (2) licensed senior master instructors. There must be one (1) senior master or student instructor for every twenty (20) students, or reasonable average thereof, and an instructor shall be in the study clinic and classrooms of the school at all hours, and supervise all practice student work.

(b) Each instructor in a beauty cosmetology school shall devote his or her entire time during school hours to instruction, and shall not apply his or her time to the private or public practice of beauty culture cosmetology for compensation during school hours.

(c) A demonstrator may demonstrate to the students in school new processes, preparations and appliances in the presence of the licensed instructors.

§3-1-6. Post Graduate Instruction Credits that may be Accepted from Schools of Beauty-Culture Cosmetology not Located in West Virginia

A student who has graduated from a recognized school of beauty culture cosmetology not located in West Virginia can be given credit only for the amount of hours required for graduation under the regulations in that particular state. These hours may apply on the two thousand (2,000) hours required for graduation from a school in this State. All credits submitted and accepted under this rule must be duly certified by the manager of the school the student attended, showing subjects studied, hours and grade received on each. This record will be held by the school manager until the student graduates, and then will be made a part of his or her application for examination as a beautician cosmetologist in this State.

Private lessons may be given to licensed beauticians cosmetologists who are desirous of gaining more knowledge in any subject or subjects, which they are already licensed to practice.

§3-1-7. Required Forms - Required beauty school reports will be on forms approved and supplied by the West Virginia Board of Barbers and Beauticians.

§3-1-8. Enforcement - Enforcement of this rule is vested with the West Virginia Board of Barbers and Beauticians.

§3-1-9. Administrative Due Process - Those affected persons desiring a contested case hearing shall do so in a manner pursuant to the provisions in Chapter 29A, Article 5 of the West Virginia Code.

§3-1-10. Severability - If any provision of this rule or the application thereof to any person or circumstance shall be held 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 declared to be severable.

~~**§3-1-11. Repeal of Rule**---This rule will automatically be repealed on July 17, 1992, unless extended prior to that date by an act of the Legislature.~~

Table 3-1A.-- Minimum Curriculum for a Beautician License

	<u>LECTURE</u>	<u>DEMON-</u> <u>STRATION</u>	<u>MANIKIN-</u> <u>PRACTICE</u>	<u>CLINIC</u>	<u>TOTAL</u> <u>HOURS</u>
Ethics, Personal Hygiene, Visual Poise and Personality Development	10				10
Sanitation, Sterilization and Bacteriology	15	5			20
Shampooing and Rinsing	5	2	1		8
Hair and Scalp Treatment	6	1	3		10
Manicuring and First Aid	3	1			4
Haircutting	5	5	10		20
Hairstyling	10	10	30		50
Permanent Waving	15	10	40		65
Safety Precautions	10				10
Salesmanship and Merchandising	10				10
Wiggery and Hair Pieces	2	1	4		7
Review for Clinic Floor		5			5
Facials, Massage, Paks and Eyebrow Arching	5	3	3		11
Chemical Hair Relaxing and Hair Straightening	8	7	10		25
Hair Coloring and Lightening	20	20	5		45
SUB-TOTAL First 300 Hours	124	70	106		300

TABLE 3-1a:-- Minimum Curriculum for a Beautician License (Cont'd.)-

<u>- SUPERVISED CLINIC PRACTICE -</u>					
	<u>- LECTURE -</u>	<u>- DEMON-- - STRATION -</u>	<u>- MANIKIN- - PRACTICE</u>	<u>- CLINIC</u>	<u>- TOTAL - - HOURS</u>
Sanitation, Sterilization and Bacteriology-				-60-	-60-
Shampooing and Rinsing-				-37-	-37-
Hair and Scalp Treatment-				-40-	-40-
Manicuring and First Aid-		-2-		-31-	-33-
Haircutting-		-13-		-300-	-313-
<u>Beard & Mustache Shaping</u> -5-		-15-		-40-	-50-
Hairstyling-		-13-		-400-	-413-
Permanent Waving-		-20-		-200-	-220-
Wiggery and Hair Pieces-		-2-			-2-
Merchandising-				-20-	-20-
Unassigned-				-7-	-7-
Facials, Massage, Paks and Eyebrow Arching-				-44-	-44-
Chemical Hair Relaxing and Hair Straightening-				-65-	-65-
Hair Coloring and Lightening		-13-		-155-	-168-
SUB TOTAL-	-5-	-78-		-1000-	-1168-

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~~TABLE 3-1A. -- Minimum Curriculum for a Beautician License (Cont'd.)~~

LECTURE ON SCIENTIFIC SUBJECTS

	<u>LECTURE</u>	<u>DEMON-</u> <u>STRATION</u>	<u>- MANIKIN</u> <u>PRACTICE</u>	<u>- CLINIC</u>	<u>- TOTAL</u> <u>HOURS</u>
Nail disorders -	3				3
Chemistry	15				15
Skin, Scalp and Hair Disorders -	9				9
Electricity, Light Therapy	12				12
Anatomy and Cells	20				20
State Laws and Regulations	20				20
Beauty Salon Management -	25				25
Dispensary				80	80
Appointment Desk -	1	2		16	19
Job Placement	10			5	15
SUB TOTAL -	115	2		101	218
TOTAL					2000

SUMMARY

Scientific Subjects -	239
Beginner's Demonstration -	70
Beginner's Manikin Practice -	106
Demonstrations, Clinic Manikin Practice -	1585
TOTAL PRESCRIBED TRAINING PERIOD -	2000

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TABLE-3-1B.--Curriculum-Requirements-for-Barbers-to-Obtain-a-
-Cross-Over-Cosmetologist-License-

	<u>-LECTURE-</u>	<u>-DEMON- -STRATION-</u>	<u>-CLINIC- -PRACTICE-</u>	<u>-CLINIC-</u>	<u>-TOTAL- -HOURS-</u>
Manicuring-&Disorders-	-3-	-2-		-5-	-10-
Hairdressing-	-15-	-10-	-30-	-75-	-130-
Permanent-Waving-&- Haircutting--	-30-	-30-	-60-	-160-	-280-
Makeup-	-3-	-2-		-5-	-10-
Haircoloring-&Lightening-	-20-	-20-		-15-	-55-
Dispensary-	---	---	---	-15-	-15-
TOTALS-	-71-	-64-	-90-	-275-	-500-

TABLE-3-1C.--Curriculum-Requirements-for-Cosmetologists-to-Obtain-a-
-Cross-Over-Barber-License--

	<u>-LECTURE-</u>	<u>-DEMON- -STRATION-</u>	<u>-CLINIC- -PRACTICE-</u>	<u>-CLINIC-</u>	<u>-TOTAL- -HOURS-</u>
Mustaches-&Beards-	-4-	-2-		-21-	-27-
Haircutting-	-10-	-10-		-85-	-105-
Hairstyling-	-10-	-15-		-65-	-90-
Honing,-Strapping-&Shaving-8		8		37	53
Hair-Pieces--	-10-	-10-	-5-	---	-25-
TOTALS-	-42-	-45-	-5-	-208-	-300-

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~~Table 3-1D.-- Curriculum requirements for barbers with 2,000-hour
barber/permanent wave training to obtain a cross-over
cosmetology license.~~

	LECTURE	DEMON- STRATION	CLINIC- PRACTICE	CLINIC	TOTAL HOURS
Manicuring & Disorders	3	2		5	10
Hairdressing	15	10	30	75	130
Haircutting	10	10	20	40	80
Makeup	3	2		5	10
Haircoloring & Lightening	20	20		15	55
Dispensary				15	15
TOTALS	51	44	50	155	300