

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #1

FILED
1987 SEP 25 PM 12 25

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: Board of Barbers and Beauticians TITLE NUMBER: 3

RULE TYPE: Legislative; CITE AUTHORITY Chapt.30, Article 27, Section 1

AMENDMENT TO AN EXISTING RULE: YES X 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 Operation in West Virginia, Joint Barbers and
Beauticians License.

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED:

DATE OF PUBLIC HEARING: October 26, 1987 TIME: 1:00

LOCATION OF PUBLIC HEARING: Conference Room D, Building 7
State Capitol Complex
1900 Washington Street, East
Charleston, WV 25305

COMMENTS LIMITED TO: ORAL , WRITTEN X, BOTH

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: Department of Health
Regulatory Development Section
1800 Washington Street, E.
Charleston, WV 25305

The Department requests that persons wishing to make
comments at the hearing make an effort to submit written
comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

Edwin Roush
Edwin Roush
Executive Director

FISCAL NOTE FOR PROPOSED RULES

Curriculum and Minimum Requirements Subjects and Hour Schedule, Rules and Regulations for Schools of Beauty Culture Operation in West Virginia;
 Rule Title: Joint Barbers and Beauticians License (3 CSR 1)

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. These changes will not alter the overall existing workload of the WV Board of Barbers and Beauticians.

3. Objectives of these rules:

The proposed amendments: 1) delete a 250-hour student instructor curriculum requirement (to be inserted by concurrent amendment in 3 CSR 2, "Qualifications, Training, Examination and Registration of Instructors in Barbering and Beauty Culture"); 2) add a new 300-hour curriculum requirement for the licensure of an aesthetician; and 3) make minor "cleanup" 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.

The cost of the new 300-hour aesthetician curriculum is estimated to range from \$600 - \$1,000.

C. Economic Impact on Citizens/Public at Large.

NONE GENERALLY

Date September 14, 1987

Signature of Agency Head or Authorized Representative

Edwin Roush

Edwin Roush
Executive Director

WEST VIRGINIA BOARD OF BARBERS AND BEAUTICIANS

RULE ABSTRACT

Title: Curriculum and Minimum Requirements Subjects and Hour Schedule, Rules and Regulations for Schools of Beauty Culture Operation in West Virginia; Joint Barbers and Beauticians License

CSR Title and Series: 3 CSR 1 Type: Legislative

Summary: The proposed amendments: 1) delete a 250-hour student instructor curriculum requirement (to be inserted by concurrent amendment in 3 CSR 2, "Qualifications, Training, Examination and Registration of Instructors in Barbering and Beauty Culture"); 2) add a new 300-hour curriculum requirement for the licensure of an aesthetician; and 3) make minor "clean-up" changes.

For further information contact: Regulatory Development Section, Health Department, 1800 Washington Street, Charleston, WV 25305, Telephone 348-3223, or WV Board of Barbers and Beauticians, 4860 Brenda Lane, Guthrie Center, Charleston, WV 25312, Telephone 348-2924.

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SECRETARY OF STATE

[PROPOSED]

TITLE 3

WEST VIRGINIA LEGISLATIVE RULE
BOARD OF BARBERS AND BEAUTICIANS

Curriculum and Minimum Requirements Subjects and
Hour Schedule, Rules and Regulations for Schools
of Beauty Culture Operation in West Virginia;
Joint Barbers & Beauticians License

Series 1

198_

For Public Hearing
October 26, 1987

WEST VIRGINIA LEGISLATIVE RULE
BOARD OF BARBERS AND BEAUTICIANS

Curriculum and Minimum Requirements Subjects and
Hour Schedule, Rules and Regulations for Schools
of Beauty Culture Operation in West Virginia;
Joint Barbers & Beauticians License

3 CSR 1

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[PROPOSED]
TITLE 3

WEST VIRGINIA LEGISLATIVE RULES
BOARD OF BARBERS AND BEAUTICIANS

Series 1

Title: 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

Section 1. General

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

1.2. Authority and Related - W. Va. Code §30-27.

1.3. Filing Date -

1.4. Effective Date -

~~1.5. Refiling Date --- December 30, 1982.~~

1.5. Supersession and Repeal of Former Regulations - This rule supersedes and repeals 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, Board of Barbers and Beauticians Legislative Rules, 3 CSR 1.

Section 2. Application and Enforcement

2.1. Application - These--legislative This rules apply applies to owners and operators of schools of beauty culture and persons seeking a joint barber and beautician license.

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

Section 3. Minimum-Curriculum-for-Schools-of-Beauty-Culture Schedule of Subjects and Hours

3.1. Schedule-of-Subjects-and-Hours
Minimum Curriculum for Beautician License

3.1.1. Every West Virginia school of beauty culture shall conduct a course of study consisting of at least 2000 clock hours, divided as follows. An accurate record of the number of hours devoted to the prescribed subjects for each student by permit number must be posted on a bulletin board and available to all students on the first school day of each month and left for the number days in said 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 State Board of Barbers and Beauticians.

3.1.2. A copy of this curriculum and regulations must be posted on a bulletin board.

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

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

3.1.5. The following curriculum and regulations adopted by the State Board of Barbers and Beauticians are placed in effect. (See Table 3-1A found at the end of this regulation.)

~~3.2. 250-Hour-Curriculum-for-Student-Instructors
(See-Table-3-1B-at-the-end-of-this-regulation.)~~

3.2. Three Hundred Hour Curriculum for Aesthetician License - Table 3-1B at the end of this regulation presents the curriculum required for an applicant wishing to obtain a license to do aesthetics only.

3.3. Curriculum-for-Barbers-to-Obtain-Cosmetologist-License-to-Adequately-Pass-the-State-Board-Examination Curriculum for Barbers to Obtain a Cross-Over Cosmetologist License - The following curriculum is for a barber to adequately pass the cosmetologist state board examination in order to obtain a cross-over cosmetologist license. (See Table 3-1C found at the end of this regulation.)

3.4. Curriculum-for-Cosmetologists-to-Obtain-Barber-License-to-Adequately-Pass-the-State-Board-Examination Curriculum for Cosmetologists to Obtain a Cross-Over Barber License - The following curriculum is for a cosmetologist to adequately pass the barber state board examination in order to obtain a cross-over barber license. (See Table 3-1D found at the end of this regulation.)

REQUIREMENT: Individuals must have completed 1800 hours of barber's training, or 2000 hours of cosmetologist's training, and hold a current license as a regular barber or beautician. All applicants, upon completing the 500 hours cosmetology training or 300 hours barber training, must submit to the 1800 hours barber examination, or 2000 hours cosmetology examination. Out-of-state applicants considered on individual basis. Requirements substantially equal are accepted. Requirements of less than 1800 hours barber's training or 2000 hours cosmetologist's training are usually accepted if supplemented by one (1) year of practical experience for every 300 hours of schooling not to exceed 1000 hours. All-applicants-upon-completing-the-500-hours-cosmetology-training-or-300-hours-barber-training-must-submit-to-the-1800-hours-barber-examination-or-2000-hours-cosmetology-examination.

Section 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 in this state, is required to submit to the State Board of Barbers and Beauticians satisfactory evidence as to the character 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 shall have at least two classrooms in use at all times. One 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 and regulations promulgated by the State 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 not more than twenty students. Additional equipment must be installed in proportion to the increase in enrollment.

1. One (1) blackboard, not less than 4 x 8 feet in size.
2. Twenty (20) dresserettes and twenty (20) mirrors, or twenty (20) combination work tables. There must be a work station table and chair for each student enrolled in school at all times.
3. Five (5) shampoo bowls.
4. Ten (10) hairdryers.
5. Three (3) facial chairs.
6. Two (2) facial supply trays.
7. Two (2) hydraulic haircutting chairs.
8. Two (2) vibrators.
9. Two (2) therapeutic lamps.
10. Four (4) manicure tables.
11. Sufficient clean linen cabinet space.
12. One (1) dip (wet) sterilizer for each booth and work stand.
13. Dry sterilization sufficient to accommodate as many students as are engaged in clinical work at any one time.
14. Sufficient training aids.
15. Twenty (20) hairdressing chairs.
16. Head manikins to be furnished by the school for each student, as part of kit for practical hairdressing.
17. Twenty (20) classroom chairs.
18. At least ten (10) waste containers.
19. One (1) large bulletin board conspicuously located for student permits, rules, regulations, notices, etc.
20. 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

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shall be used for lectures, demonstrations or scientific instruction to students.

(b) All schools shall provide and maintain adequate restroom 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 certificate of registration has been received from the office of the State Board.

(d) All books and literature that will aid in student learning are encouraged to be used.

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

(f) Each school of beauty culture shall hold regular classes for the teaching of both the theory and the practice of all branches of beauty culture.

(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 State 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 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 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 time. 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 State 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 days of the change or revision.

Section 5. Attendance, Records, Teaching Staff

5.1. Attendance

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

(b) Schools shall require that all students attend classes at least eighty percent of the time enrolled in school, not to exceed eight hours per day, exclusive of lunch period. Any absence for more than twenty percent 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 State Board of Barbers and Beauticians on, or before, the fifth working day of each month, on forms furnished to the schools for the 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 kept up to date in a permanent file, and shall be subject to inspection at any time by any member of the State Board of Barbers and Beauticians, or any authorized representative.

(d) Final - The manager of each school shall compile from his 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 application for registration 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 school.

5.3. Teaching Staff

(a) No school will be permitted to open or operate with less than two three regularly registered, senior instructors. There must be one instructor for every twenty students, or

reasonable average thereof, and an instructor shall be in the study and classrooms of the school at all hours, and supervise all practice student work.

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

(c) Teaching by demonstrators is strictly forbidden, but a demonstrator may demonstrate to the students in school new processes, preparations and appliances, in the presence of the registered instructors.

Section 6. Post Graduate Instruction Credits that may be Accepted from Schools of Beauty Culture not Located in West Virginia

No licensed beautician who enters school for the purpose of taking postgraduate instruction will be permitted to remain in school for a period of more than 2000 hours.

A student who has been graduated from a recognized school of beauty culture 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 2000 hours required for graduation from a school in this State. All credits submitted and accepted under this regulation 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 application for examination as a beautician in this State.

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

Section 7. Required Forms

Required beauty school reports will be on forms approved and supplied by the Board of Barbers and Beauticians.

Section 8. Enforcement

Enforcement of these this rules and--regulations is vested with the State Board of Barbers and Beauticians.

Section 9. Administrative Due Process - Those affected persons desiring a public hearing shall do so in a manner pursuant to the provisions in Chapter 29A, Article 5 of the West Virginia Code. ef-1931, as amended.

Section 10. Severability - If any provision of these-regulations this rule or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not

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affect the provisions or applications of these-regulations this rule which can be given effect without the invalid provisions or application, and to this end the provisions of these-regulations this rule are declared to be severable.

Table 3-1A

	<u>LECTURE</u>	<u>DEMONSTRATION</u>	<u>MANIKIN PRACTICE</u>	<u>CLINIC</u>	<u>TOTAL HOURS</u>
Ethics, Personal Hygiene, Visual Poise and Person- ality 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 Merchandizing	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	<u>20</u>	<u>20</u>	<u>5</u>	<u>—</u>	<u>45</u>
SUB TOTAL First 300 Hours	124	70	106		300

TABLE 3-1A (Cont'd)

<u>SUPERVISED CLINIC PRACTICE</u>					
	<u>LECTURE</u>	<u>DEMONSTRATION</u>	<u>MANIKIN PRACTICE</u>	<u>CLINIC</u>	<u>TOTAL HOURS</u>
Sanitation, Sterilization and Bacteriology	...			120	120
Shampooing and Rinsing				37	37
Hair and Scalp Treatment				40	40
Manicuring and First Aid		2		31	33
Haircutting		13		300	313
Hairstyling		13		400	413
Permanent Waving		20		200	220
Wiggery and Hair Pieces		2			2
Merchandizing				20	20
Unassigned				7	7
Facials, Massage, Paks and Eyebrow Arching				44	44
Chemical Hair Relaxing and Hair Straightening				65	65
Lightening	---	<u>13</u>	---	<u>155</u>	<u>168</u>
SUB TOTAL		63		1419	1482

TABLE 3-1A (Cont'd.)

LECTURE ON SCIENTIFIC SUBJECTS

	<u>LECTURE</u>	<u>DEMONSTRATION</u>	<u>MANIKIN PRACTICE</u>	<u>CLINIC</u>	<u>TOTAL 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	<u>10</u>	<u> </u>	<u> </u>	<u>5</u>	<u>15</u>
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	<u>1585</u>
TOTAL PRESCRIBED TRAINING PERIOD	2000

TABLE-3--1B

3-2- 250-Hour-Curriculum-for-Student-Instructors

	<u>HOURS</u>
1.--Orientation	10
2.--Psychology-of-Student-Training	15
3.--Introduction-to-Teaching	10
4.--Good-Grooming-and-Personality-Development	10
5.--Course-Outlining-and-Development	15
6.--Lesson-Planning	20
7.--Teaching-Techniques-(Methods)	30
8.--Teaching-Aids---Audio-Visual-Techniques	20
9.--Demonstration-Techniques	20
10.--Examination-and-Analysis	20
11.--Classroom-Management	15
12.--Record-Keeping	10
13.--Teaching-Observation	15
14.--Teacher-Assistant	20
15.--Pupil-Teaching-(Practice-Teaching)	15
TOTAL	250

Note:--"This-curriculum-must-be-taught-by-a-regular-instructor-or an-instructor-certified-with-a-degree-in-education."

TABLE 3-1B

	<u>THEORY</u>	<u>DEMONSTRATION AND CLINIC</u>	<u>TOTAL HOURS</u>
<u>ORIENTATION:</u> <u>Opportunities in Skin Care</u> <u>Profession, School Rules</u> <u>and Regulations</u>	<u>2.5</u>		<u>2.5</u>
<u>CHEMISTRY:</u> <u>Skin Care Products</u>	<u>7.5</u>	<u>12.5</u>	<u>20</u>
<u>PHYSIOLOGY AND ANATOMY:</u> <u>Anatomy of Head, Face and</u> <u>Neck; History of the Skin;</u> <u>Skin Conditions, Disorders</u>	<u>12.5</u>	<u>5</u>	<u>17.5</u>
<u>BACTERIOLOGY & SANITATION:</u> <u>Bacteriology; Sanitation &</u> <u>Sterilization; Hygiene &</u> <u>Personal Cleanliness</u>	<u>7.5</u>	<u>7.5</u>	<u>15</u>
<u>INTRODUCTION TO SKIN CARE:</u> <u>Facial Structure; Skin</u> <u>Analysis; Patron Appoint-</u> <u>ments & Consultations</u>	<u>7.5</u>	<u>10</u>	<u>17.5</u>
<u>SKIN CARE (MANUAL):</u> <u>Massage Movements; Facial</u> <u>Manipulations; Masks &</u> <u>Packs</u>	<u>15</u>	<u>35</u>	<u>50</u>
<u>SKIN CARE (MACHINE):</u> <u>Deep Cleaning; Machine</u> <u>Treatments</u>	<u>10</u>	<u>27.5</u>	<u>37.5</u>
<u>MAKEUP:</u> <u>Corrective Skin Makeup</u>	<u>7.5</u>	<u>15</u>	<u>22.5</u>
<u>EYEBROWS & EYELASHES:</u> <u>Arching; Eyelash Application;</u> <u>Lash & Brow Tinting</u>	<u>5</u>	<u>15</u>	<u>20</u>
<u>HAIR REMOVAL (SUPERFLUOUS HAIR):</u> <u>Tweezing, Waxing, etc. and</u> <u>Machines</u>	<u>5</u>	<u>12.5</u>	<u>17.5</u>
<u>SAFETY PRECAUTIONS</u>	<u>2.5</u>	<u>7.5</u>	<u>10</u>
<u>PROFESSIONAL & PERSONALITY</u> <u>DEVELOPMENT:</u> <u>Professional Ethics;</u> <u>Professional Practices;</u> <u>Personality Development</u>	<u>10</u>		<u>10</u>

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	<u>THEORY</u>	<u>DEMONSTRATION AND CLINIC</u>	<u>TOTAL HOURS</u>
<u>MANAGEMENT</u>	<u>5</u>	<u>5</u>	<u>10</u>
<u>SALESMANSHIP</u>	<u>2.5</u>	<u>5</u>	<u>7.5</u>
<u>STATE RULES & REGULATIONS</u>	<u>5</u>		<u>5</u>
<u>TESTING/EVALUATION</u>	<u>7.5</u>		<u>7.5</u>
<u>UNASSIGNED HOURS</u>	<u> </u>	<u>30</u>	<u>30</u>
<u>TOTAL</u>	<u>112.5</u>	<u>187.5</u>	<u>300</u>

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TABLE 3-1C

	<u>LECTURE</u>	<u>DEMONSTRATION</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	—	—	—	<u>15</u>	<u>15</u>
TOTALS	71	64	90	275	500

TABLE 3-1D

	<u>LECTURE</u>	<u>DEMONSTRATION</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, Stropping & Shaving	8	8		37	53
Hair Pieces	<u>10</u>	<u>10</u>	<u>5</u>	—	<u>25</u>
TOTALS	42	45	52	208	300