

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

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FILED

AUG 29 11 01 AM '96

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

AGENCY: BOARD OF BARBERS AND COSMETOLOGISTS TITLE NUMBER: 3

CITE AUTHORITY WV CODE 30-27-1 et seq

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: QUALIFICATIONS, TRAINING, EXAMINATION AND
LICENSURE OF INSTRUCTORS IN BARBERING AND BEAUTY CULTURE

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED: SAME

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.


Authorized Signature

Rule Title: QUALIFICATION, TRAINING AND LICENSURE OF INSTRUCTORS IN
BARBERING AND BEAUTY CULTURE.

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: 8/28/96

Signature of Agency Head or Authorized Representative

Sheth O. Misra by JMK. Smith

DATE: 8/29/96

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: BOARD OF BARBERS & COSMETOLOGISTS

LEGISLATIVE RULE TITLE: QUALIFICATIONS, TRAINING, EXAMINATION AND LICENSURE OF INSTRUCTORS IN BARBERING AND BEAUTY CULTURE.

1. Authorizing statute(s) citation _____

WV CODE 30-27-1 et seq

2. a. Date filed in State Register with Notice of Hearing

JULY 10, 1996

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

WE ADVERTISED THE COMMENT PERIOD IN NEWS PAPERS THROUGHOUT

THE STATE AND SENT NOTICES TO ALL LICENSED SHOPS WITHIN THE STATE.

c. Date of Hearing(s) COMMENT PERIOD - JULY 10, 1996 to AUGUST 9, 1996.

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

Attached X No comments received _____

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

08/29/96

f. Name and phone number(s) of agency person(s) to contact for additional information:

LARRY W. ABSTEN 558-2924 or 558-3450

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

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

NOTICE OF COMMENT PERIOD FILED ON JULY 10, 1996.

b. Date of hearing: COMMENT PERIOD JULY 10, 1996 TO AUGUST 9, 1996.

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

08/29/96

d. Attach findings and determinations and reasons:

Attached X

WEST VIRGINIA BOARD OF BARBERS AND COSMETOLOGISTS

RULE ABSTRACT

Title: "Qualifications, Training, Examination and Licensure of
Instructors in Barbering and Beauty Culture

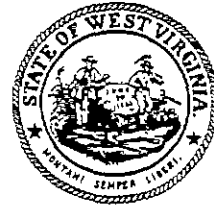
CSR Title & Series: 3 CSR 2

Type: Legislative

Summary: The proposed amendment: deletes the requirement of one year
salon experience prior to beginning training as a student instructor.

For further information contact: West Virginia Board of Barbers and
Cosmetologists, 1716 Pennsylvania Avenue, Suite 7, Charleston, West
Virginia, 25302. Telephone: 558-2924.

State of West Virginia
Board of Barbers and Cosmetologists
1716 Pennsylvania Avenue, Suite 7, Charleston, West Virginia 25302
Phone (304) 558-2924 Phone/Fax (304) 558-3450



Larry W. Absten
Director

MEMO

DATE: July 2, 1996

TO: West Virginia Secretary of State
Ms. Judy Cooper
Administrative Law Division
Charleston, West Virginia 25305

FROM: Larry W. Absten, Director
Board of Barbers and Cosmetologists

RE: Title 3 Series 2 of the Board of Barbers and Cosmetologists Legislative Rules

The purpose of the amendment to this rule is to delete the one year of salon experience now required prior to enrolling in the instructors' training program. This will assist the schools in recruiting and training of qualified instructors.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: QUALIFICATIONS, TRAINING, EXAMINATION AND
LICENSURE OF INSTRUCTORS IN BARBERING AND BEAUTY
CULTURE.

Type of Rule: X Legislative Interpretive Procedural

Agency: BOARD OF BARBERS AND COSMETOLOGISTS

Address: 1716 PENNSYLVANIA AVENUE, SUITE 7
CHARLESTON, WV 25302

1. Effect of Proposed Rule

	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates: NO ADDITIONAL COSTS WILL BE INCURRED AS A RESULT OF THE AMENDMENT TO THIS RULE.

3. Objectives of these rules: TO FACILITATE THE ACQUISITION AND TRAINING OF INSTRUCTORS IN THE BARBERING AND BEAUTY CULTURE PROFESSIONS.

TITLE 3
LEGISLATIVE RULES
BOARD OF BARBERS AND COSMETOLOGISTS

SERIES 2
QUALIFICATIONS, TRAINING, EXAMINATION AND
LICENSURE OF INSTRUCTORS IN BARBERING AND BEAUTY CULTURE

§ 3-2-1. **General**

1.1. **Scope** - This legislative rule establishes the qualifications, training, examination and licensure of both student and master instructors in schools of barbering or beauty culture which have been promulgated by the Board of Barbers and Cosmetologists (hereinafter Board).

1.2. **Authority** - W. Va. Code § 30-27-8. **Related** § 30-27-1 et seq.

1.3. **Filing Date** -

1.4. **Effective Date** -

§ 3-2-2. **General Qualifications for Licensure as a Student or Master Instructor**

2.1. An individual seeking licensure as a student instructor in a school of barbering and/or beauty culture must:

- (a) Be at least nineteen (19) years of age;
- (b) Be of good moral character and of temperate habits;
- (c) Have completed the twelfth grade of public school or its equivalent;
- (d) Have graduated from a recognized school of barbering or beauty culture;
- (e) Have submitted an application to the Board with the appropriate fees. All material attached to the application becomes the property of the Board;
- (f) Have passed an examination administered by the Board consisting of a written, oral and demonstrative section including subject areas adopted by the Board.

2.2. All instructors licenses expire annually from date of issue on December 31.

2.3. Every person registered in any capacity as a student or master instructor in this State must keep his or her original or renewed license posted conspicuously in the school wherein they are employed.

§ 3-2-3. Additional Requirements for Licensure as a Student Instructor.

3.1. All applicants, before seeking licensure as a student instructor, ~~must have been employed at least one (1) year in an existing, licensed beauty or barber shop. Following that one (1) year of employment, the applicant must complete an additional two hundred and fifty (250)~~ four hundred and eighty (480) hours of instructor's training as specified in Table 3-2A of this rule and pass an examination administered by the Board. The curriculum shown in Table 3-2A must be taught by a master instructor or an instructor certified with a degree in education, and taught at the respective school of employment.

3.2. During the applicant's training period, he or she must complete a minimum of fifteen hours (15) college credits (a minimum of two hundred and fifty (250) clock hours) on assigned subjects or subjects with the equivalent subject content under the minimum college requirements for licensure as a master instructor in Table 3-2C of this rule.

3.3. All barber and beauty school owners who expect to employ a student instructor shall properly interview the applicant and make a recommendation to the Board, in writing, concerning their knowledge of such applicant's abilities. This recommendation shall accompany the student's application for licensure as a student instructor. School owners must submit annual progress reports on all student instructors employed in their barber or beauty school to the Board.

§ 3-2-4. Additional Experience Requirements for Licensure as a Master Instructor

4.1. An applicant for licensure as a master instructor must be at least twenty-two (22) years of age.

4.2. Applicants seeking licensure as a master instructor must have been employed as a student instructor for a minimum of three (3) years. Applicants who have a minimum of five (5) years shop experience, prior to employment as a student instructor, may be licensed as a master instructor after two (2) years experience as a student instructor. All applicants seeking licensure as a master instructor shall secure the required and prerequisite training necessary to qualify for examination and licensure during employment as a student instructor and shall at all times be under the supervision of a licensed master instructor.

4.3. Applicants seeking licensure as a master instructor in barbering or beauty culture must, during their prescribed training period, secure a hairstyling certificate from an advanced hairstyling school approved by the Board. A certificate, or a copy thereof, shall become a part of their application for examination as a master instructor.

4.4. An applicant for licensure as a master instructor who has practiced barbering or beauty culture for a period of five (5) years prior to making application for licensure; who possesses the required college credits indicated in this rule; and who has acquired an acceptable certificate in advanced hairstyling, may secure licensure as a student instructor and qualify for examination as a master instructor after serving two (2) years as a student instructor in a duly licensed school of barbering or beauty culture.

§ 3-2-5. Additional Educational Requirements for Licensure as a Master Instructor

5.1. The minimum required college subjects and hours for master instructors are specified in Table 3-2C of this rule. A minimum of two hundred fifty (250) clock hours is required.

5.2. All applicants to become master barber instructors must complete an additional one hundred (100) hours of training in permanent waving and pass an examination administered by the Board. The curriculum which is specified in Table 3-2B must be taught by a master beauty instructor or a master barber instructor who has the required one hundred (100) hours.

5.3. The first five (5) courses listed in Table 3-2C of this rule may be taken in any junior college, or degree-granting institution approved by the West Virginia State Board of Trustees. These courses may be taken either on campus or as extension courses. Students who do not meet the prerequisites for admission in these courses may audit the courses. The student shall report the credit received to the Board by evidence of an official school transcript.

5.4. If a student audits a course, he or she shall present to the Board a statement by the instructor of the course, indicating that the student has participated in all class activities; the number of hours for which the class was scheduled, and that the student performed satisfactorily. The student shall be responsible for the presentation of the instructors statement to the Board.

§ 3-2-6. Renewal of Licensure as a Student or Master Instructor

6.1. To renew an applicant's initial license as a student or master instructor, an applicant must have been employed full-time for at least three (3) months within the preceding twelve (12) month period as a student or master instructor in an approved school of barbering or beauty culture. If the applicant has not been employed for the requisite time period, the Board may allow the applicant to pass an oral examination administered by the Board and complete a six (6) month "in-service" training program at a state-approved barber or beauty college.

6.2. Within each two (2) year period, each licensee must acquire a minimum of three (3) hours additional credits in approved subjects relating to the art of teaching: Provided, that applicants

who have renewed their license as a master instructor for seven (7) years over a nine (9) year period, are exempt from this requirement. These credits may be obtained in any state college or university approved for the original training of instructors, or in seminars endorsed by the Board. Hours and credits earned for attending annual and semiannual seminars will be established by the Board in cooperation with various state educational agencies in or out of the state where such seminars may be held.

6.3. Within each two (2) year period, each licensee must renew their certificate indicating proficiency in advanced hairstyling from a Board approved school of advanced hairstyling. The Board shall provide a list of those schools approved for the teaching of advanced hairstyling upon request.

6.4. The renewal requirements for instructors represent minimum standards for teacher training. In order to maintain well-trained teachers, the Board recommends that an "In-Service" training program be conducted in both the schools of barbering and of beauty culture in the art of teaching.

6.5. The applicant for renewal must submit the appropriate fee as specified in 3 CSR 6.

§ 3-2-7. Reciprocity

7.1. An applicant from another state seeking licensure as a student or master instructor is eligible for licensure by reciprocity if the applicant has acquired training in another state equal to the requirements established in this rule for the respective license requested: Provided, that the state in which said applicant is licensed extends the same privilege to licensed instructors from this State.

§ 3-2-8. Revocation of License

8.1. The license of a student or master instructor in barbering or beauty culture may be revoked or suspended by the Board for any reason specified in W. Va. Code § 30-27-1 et seq.

8.2. Any person whose license as a student or master instructor has been suspended or revoked for good and sufficient reasons, including incompetency or gross neglect in teaching barbering or beauty culture, may at the discretion of the Board, be entitled to practice barbering or beauty culture in this State.

§ 3-2-9. 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.

§ 3-2-10. 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.

TABLE 3-2A. ~~250~~ 480 Hour Curriculum for Student Instructors

<u>SUBJECTS</u>	<u>HOURS</u>	
1. Orientation	10	
2. Psychology of Student Training	15	25
3. Introduction to Teaching	10	20
4. Good Grooming and Personality Development	10	20
5. Course Outlining and Development	15	45
6. Lesson Planning	20	30
7. Teaching Techniques (Methods)	30	45
8. Teaching Aids - Audio-Visual Techniques	20	30
9. Demonstration Techniques	20	30
10. Examination and Analysis	20	30
11. Classroom Management	15	25
12. Record Keeping	10	20
13. Teaching Observation	15	25
14. Teacher Assistant	20	30
15. Pupil Teaching (Practice Teaching)	20	30
16. <u>*Principles of Effective Teaching and Communication</u>	45	
17. <u>Educational Procedures</u>	20	
<u>*Must be taught by non school affiliated instructors</u>	250	480

TABLE 3-2B. 100 Hour Curriculum for Barber Instructors to Qualify to Teach Permanent Waving

	<u>THEORY & LECTURE</u>	<u>DEMONSTRATION</u>	<u>PRACTICE</u>	<u>TOTAL HOURS</u>
1. Hair Structure	2			2
2. Chemistry: Physical & Chemical Action	4			4
3. Permanent Waving Scalp & Hair Analysis	10	10	20	40
4. Razor Shaping & Procedures	4	4	10	18
5. Hairstyling	<u>10</u> 30	<u>8</u> 22	<u>18</u> 48	<u>36</u> 100

TABLE 3-2C. Required College Subjects and Hours for Master Instructors

<u>SUBJECTS</u>	<u>SEMESTER HOURS</u>	<u>CLOCK HOURS</u>
*Psychology of Learning	2-3	30-45
*Methods of Teaching	2-3	30-45
*Methods of Examination	2-3	30-45
*Public Speaking	2-3	30-45
English Composition	2-3	30-45
Teacher Education Orientation	2-3	30-45
Introduction to Vocational Education	2-3	30-45
Occupational Analysis	2-3	30-45
Course Construction	2-3	30-45
Safety in Vocational Education	2-3	30-45
Organization and Management	2-3	30-45
**Summer Short Course		30
**Seminar		<u>50</u>
TOTAL		410-575

*Required courses

**Requires prior approval of the Board



International Beauty Schools

OUR FAX NUMBER (717) 295-5033

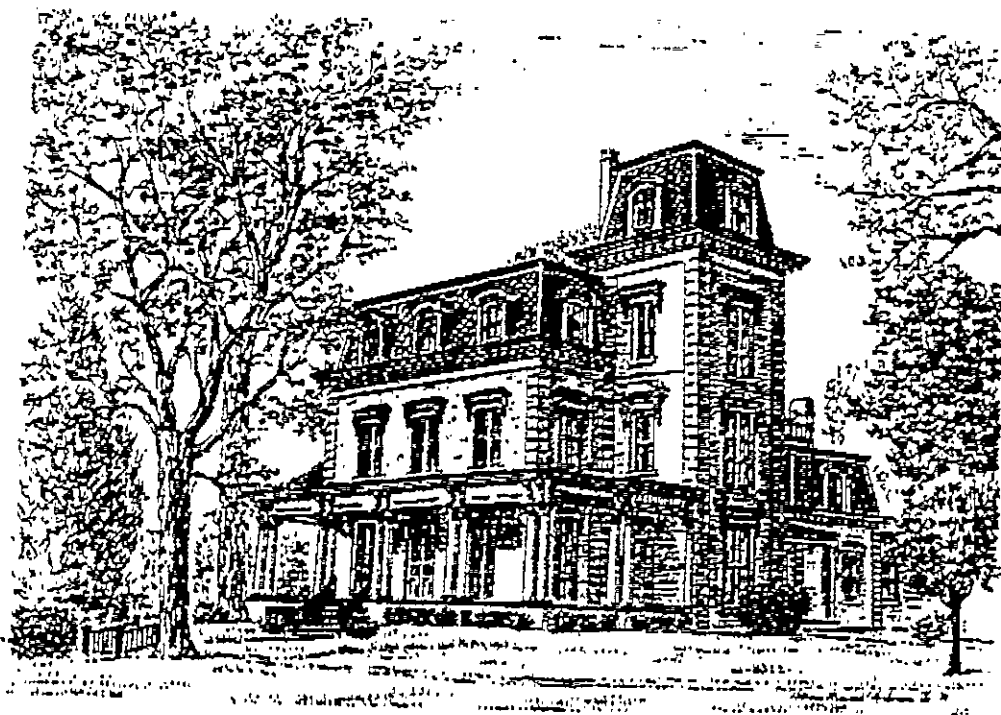
FAX COVER SHEET

Date 8/9 Time AM or 3:50 PM

To LARRY ABSTEN

From CHARLES LYNCH

We are transmitting 2 pages including this cover page
If transmission is not complete please call (717) 295-5030



Administrative Offices

407 West Chestnut Street - Suite 300
P.O. Box 1572
Lancaster, PA 17608-1572

West Virginia State Board of Cosmetologist and Barbers

RE: TEACHERS CURRICULUM

Title 3 Series 1

3-1-3 Qualifications for licensure

C. High school diploma or GED is long overdue. I agree

3-1-9 Minimum curriculum for (A) Estheticians

9.1 750 hours is far too many for this course of study. 400 hours would be more realistic.

Title: Schedule of fees

Summary:

1. agree
2. agree
3. Reciprocity fee of \$50.00 is a fair cost. No need to increase.
4. Student permit fee of \$10.00 is a fair cost. Most states have discontinued student permits completely.
5. Booth rental is a salon in a salon. Fee should be \$25.00.
6. Booth relocation is the same as a new salon and fee should be the same \$25.00.

Series 2

3-2-4 Additional experience Master Instructor

4.3 Advanced hairstyling should also include educational techniques.

4.4 Should read the same as 4.3 with educational techniques

West Virginia State Board of Cosmetologist and Barbers

RE: TEACHERS CURRICULUM

#16 Principles of effective teaching and communication

#17 Educational Procedures

We do not object to the subject matter, however, we do not feel this needs to be taught by a non-school affiliated instructor. This would also place additional financial burden on schools. Under the Rule Title section it states there is no economic impact to anyone.

The above mentioned comments are being submitted by the following schools:

Valley Beauty School

Angie Hacker

Scott College of Cosmetology

Mamie Scott

International Beauty School

Charles Lynch



Charleston School of Beauty Culture, Inc.



August 5, 1996

W V State Board of Barbers & Cosmetologists
1716 Pennsylvania Ave.
Charleston, WV 25301

Ref: WV CODE 30-27-1 et seq: Series 2: QUALIFICATIONS TRAINING
EXAMINATION AND LICENSURE OF INSTRUCTORS IN BARBERING AND BEAUTY
CULTURE.

Dear Sir:

The West Virginia School Owners Association met on Sunday, August 4, 1996, at the Charleston School of Beauty Culture to review the proposed changes to the rules governing Barbering and Beauty Culture. I was delegated to respond to the above referenced proposed change.

The school owners are in favor with eliminating the one year salon experience for Student Instructors licensure, and we have no problem with the 480 clock hours of teacher training; in fact, we feel this will benefit our instructors. We do, however, oppose that the 45 clock hours of Principles of Effective Teaching and Communication be taught by non-school affiliated instructors.

Page 2, paragraph 3.1 states, "The curriculum shown in Table 3-2A must be taught by a master instructor or an instructor certified with a degree in education, and taught at the respective school of employment." With these factors to consider, you are asking the schools to take on additional expenses of hiring an outside instructor for only one or two teachers. In addition, you would have to cover the time and expense of taking an employee out of other classes, or covering the additional cost of payroll for overtime involved in additional time for this teacher.

Forty-five clock hours can be a great deal of time for an individual or school to sacrifice at any one time. Even if done one day per week, you would have the additional expense of hiring an outside instructor to come in.

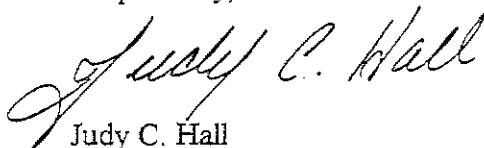
There are very qualified teachers on staff at most schools to teach these classes to our student instructors. We as school owners, feel you should make allowances for Master Instructors to teach this within the school. We could submit an agenda to the Board for approval with the credentials of the person teaching the classes. This would allow the Board to monitor each class and the information being taught during this class. Each school owner has individual goals for their school, and for their students; therefore, we would like to have the classes presented to our

prospective instructors as they would most benefit our school, and at a cost that would not be prohibitive to the school.

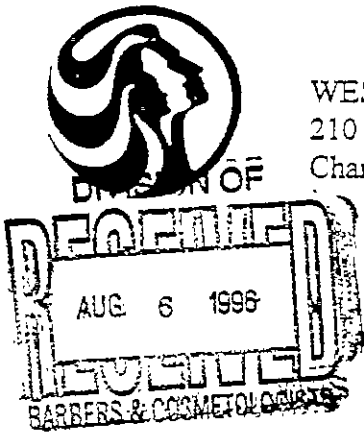
With all the regulations coming down from the Department of Education and our accrediting agencies, we have been covered up in additional paperwork, and have had tremendous extra expenses to comply with all these regulations. Therefore, the additional cost involved in this proposal seems to be unnecessary.

Thank you for your consideration in this matter.

Respectfully,

A handwritten signature in cursive script that reads "Judy C. Hall". The signature is written in dark ink and is positioned above the printed name.

Judy C. Hall
West Virginia School Owners Association



WEST VIRGINIA COSMETOLOGISTS ASSOCIATION
210 Capitol Street
Charleston, West Virginia 25301

August 5, 1996

West Virginia State Board of Barbers & Cosmetologists
1716 Pennsylvania Avenue, Suite #7
Charleston, West Virginia 25302

Ref: Proposed Rule Changes WV CODE 30-27-1 et seq

Dear Sir:

The West Virginia Cosmetologists Association Board of Directors met in Charleston on July 28, 1996. At this meeting the proposed rule changes were reviewed by the board members present.

Series 1: Procedures, Criteria and Curricula for Examination and Licensure of Barbers, Cosmetologists, and Manicurists: The West Virginia Cosmetology Association is definitely in favor of an Esthetician Course for the State of West Virginia. West Virginia has been too long in passing this course for those persons who only want to do skin care and make-up. We feel the demand is high for this profession, and you have our complete support of this 750 clock hour curriculum.

-Series 2: QUALIFICATIONS, TRAINING, EXAMINATION AND LICENSURE OF INSTRUCTORS IN BARBERING AND BEAUTY CULTURE: We are happy to see the one year salon experience dropped from the requirements for a Student Instructor to achieve their license. Although, we can see the use of salon experience as a tool for teaching, we have board members who are instructors in this field, and they inform us that while salon experience can be an asset it is offset by other factors that affect the teaching of basic procedures for the foundation of styling techniques. In addition, it is harder to recruit individuals for teaching after they have built up a clientele in the salon. They are more hesitant in leaving their present positions.

Series 6: SCHEDULE OF FEES: We found the changes in the fee schedule to be nominal in it's changes, and this should not affect any individual adversely. The West Virginia Cosmetology Association is in support of the fee changes.

The discussion also arose in the matter of continuing education for cosmetologists in the State of West Virginia. The West Virginia Cosmetology Association Board of Directors would like to have some input on this matter when you begin meeting to set the requirements for continuing education hours. We feel we can be of help in this area.

SERIES 2

QUALIFICATIONS, TRAINING, EXAMINATION AND LICENSURE OF INSTRUCTORS BARBERING AND BEAUTY CULTURE

The Board received comments representing eight schools which were in favor of deleting the one year salon experience for student instructor applicants and the required training for those applicants. However, all schools were opposed to the requirement that 45 hours of the instruction must be taught by non-school affiliated instructors.

All of the schools felt that their master instructors had sufficient advanced training to teach the required subjects without the added expense of securing outside instructors. Some also noted that they had staff on premises who also had degrees in the educational field.

The Board does not wish to place unreasonable financial burdens on schools which must already comply with a myriad of federal and national accreditation regulations. Therefore, the Board has eliminated the requirement for non-school affiliated instructors.