

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

Form #2

Do Not Mark In This Box

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2009 JUN 30 AM 11:32

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Board of Barbers and Cosmetologists TITLE NUMBER: 3
RULE TYPE: Legislative CITE AUTHORITY: 30-27-5 & 30-27-6
AMENDMENT TO AN EXISTING RULE: YES 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 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 30th, 2009 AT 8:30am ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

1716 Pennsylvania Ave., Suite 7

Charleston, WV 25302

adam.l.higgins@batham.wv.gov

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


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Qualifications, Training, Examination and licensure of Instructors
 Type of Rule: Legislative Interpretive Procedural
 Agency: Board of Barbers and Cosmetologists
 Address: 1716 Pennsylvania Ave, Suite 7
Charleston, WV 25302
 Phone Number: 304-558-2924 Email: adam.l.higgins@wv.gov

Fiscal Note Summary

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

N/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.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0	0	0
Personal Services	0	0	0
Current Expenses	0	0	0
Repairs & Alterations	0	0	0
Assets	0	0	0
Other	0	0	0
2. Estimated Total Revenues	0	0	0

Rule Title:

Rule Title:

Qualifications, Training, Examination and Licensure of Instructors

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

N/A

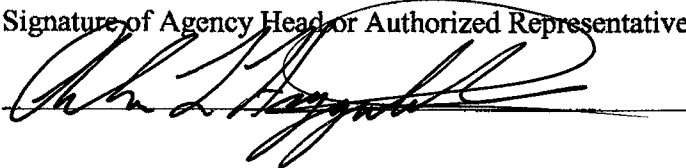
MEMORANDUM

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

This rule change will not have a fiscal impact. The changes in this rule involve updating the rules to match the code (30-27), clarify Instructor and Master Instructor requirements, and increase instructor training hours.

Date: 6/29/2009

Signature of Agency Head or Authorized Representative



FILED

TITLE 3
LEGISLATIVE RULES
BOARD OF BARBERS AND COSMETOLOGISTS

2009 JUN 30 AM 11:32

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

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§ 3-2-1. General

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

1.2. Authority - W. Va. Code § ~~30-27-8~~ 30-27-5. Related § ~~30-27-1~~ 30-27-6 et seq.

1.3. Filing Date - ~~May 11, 1992~~

1.4. Effective Date - ~~July 1, 1992~~

§ 3-2-2. General Qualifications for Licensure as an ~~Student or Master~~ Instructor

2.1. An individual seeking licensure as an ~~student~~ instructor in a school of barbering, cosmetology, nail technology, or aesthetics and/or beauty culture as an instructor of barbering, cosmetology, nail technology, or aesthetics must:

2.1.1. Be at least nineteen (19) years of age;

2.1.2. Be of good moral character and of temperate habits;

2.1.3. ~~Have completed the twelfth grade of public school or its equivalent~~ Have a high school diploma, GED, or "ability to benefit" test offered by the United States Department of Education;

2.1.4. Have graduated from a recognized school of barbering ~~or beauty culture~~, cosmetology, nail technology, or aesthetics;

2.1.5. Have submitted an application to the Board with the appropriate fees. All material attached to the application becomes the property of the Board;

2.1.6. Have passed an examination administered by the Board consisting of a written, oral and demonstrative section including subject areas adopted by the Board with at least a 70% pass percentage.

2.1.7. Have completed 375 hours of instructor's training as stated in Table 3-2A in this rule.

- 2.1.8. Submit an application to the Board to include, but not limited to Name, address, email, telephone number, education background, professional background, professional recommendation from school owner/manager, and any other document to establish identity or professional capabilities.
- 2.1.9. Letter from school owner or manager stating and certifying 375 hours of instructor training and professional capabilities.
- 2.1.10. Present a portfolio to include, but not limited to photos of hairstyles performed or created, lesson plans, letters of past students or instructors, list of goals or ambitions, and other information pertaining to the industry.
- 2.1.11. Must have passed a practical presentation, written, and oral skills test with a 70% or higher pass rate and have trained under a master instructor.
- 2.1.12. Must have an active license in the subject or specialty wishing to teach.
- 2.1.13. Pay all applicable license, examination, and registration fees.

3-2-3 General Qualifications for Licensure as a Master Instructor

3.1 An individual seeking licensure as a master instructor in a school of barbering, cosmetology, nail technology, or aesthetics as a master instructor of barbering, cosmetology, nail technology, or aesthetics must:

- 3.1.1. Be at least twenty-two (22) years of age with all prerequisites mentioned in the Qualifications for Licensure as an Instructor.
- 3.1.2. Complete fifteen (15) hours of college credits from a degree granting institution or junior college in collaboration with Table 3-2C.
- 3.1.3. Complete 375 hours of instructor training.
- 3.1.4. Be employed at a salon for at least two (2) years and with three (3) years experience as an instructor.
- 3.1.5. Submit an application to the Board to include, but not limited to Name, address, email, telephone number, education background, professional background, professional recommendation from school owner/manager, and any other document to establish identity or professional capabilities.
- 3.1.6. Letter from school owner or manager stating and certifying 375 hours of instructor training and professional capabilities and employment and instructing experience.
- 3.1.7. Present a portfolio to include, but not limited to photos of

hairstyles performed or created, lesson plans, letters of past students or instructors, list of goals or ambitions, and other information pertaining to the industry.

3.1.8. Must have passed a practical presentation, written, and oral skills test with a 70% or higher pass rate and have trained under a master instructor.

3.1.9 Must have an active license in the subject or specialty wishing to teach.

3.1.10 Pay all applicable license, examination, and registration fees.

3.1.11. Meet any other applicable and reasonable request of the Board or the Director of the Board in direct relation to teaching or practical knowledge set forth by the Board or the Director.

~~2-23.2.~~ All instructor's licenses expire annually or biennially from date of issue on December 31.

~~2-33.3.~~ Every person registered in any capacity as an instructor 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.

§ 3-2-4. Additional Requirements for Licensure as an 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) 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 for a master instructor, 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~~ 4.1. All barber and beauty school owners who expect to employ an 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 an 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 and fifty (250)~~ three hundred seventy five (375) 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 an Instructor 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.~~

6.1 Instructor or Master Instructor licenses must be renewed annually or biennially on January 1st of each year renewal is required.

6.2 Continuing education requirements must be completed in order to receive license renewal.

6.43. 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.

6.54. 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~~ 30-27-20 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~~ 375 Hour Curriculum for ~~Student~~ Instructors

<u>SUBJECTS</u>	<u>HOURS</u>
1. Orientation	10
2. Psychology of Student Training	15
3. Introduction to Teaching	10 <u>20</u>
4. Good Grooming and Personality Development	10
5. Course Outlining and Development	15
6. Lesson Planning	20 <u>30</u>
7. Teaching Techniques (Methods)	30 <u>40</u>
8. Teaching Aids - Audio-Visual Techniques	20
9. Demonstration Techniques	20 <u>30</u>
10. Examination and Analysis	20
11. Classroom Management	15
12. Record Keeping	10
13. Teaching Observation	15 <u>40</u>
14. Teacher Assistant	20 <u>40</u>
15. Pupil Teaching (Practice Teaching)	20 <u>60</u>
	250 <u>375</u>

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	$\frac{10}{30}$	$\frac{8}{22}$	$\frac{18}{48}$	$\frac{36}{100}$

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



Joe Manchin III
Governor

Martha Yeager Walker
Secretary

Adam L. Higginbotham
Director

State of West Virginia
Board of Barbers and Cosmetologists

1716 Pennsylvania Avenue, Suite 7
Charleston, West Virginia 25302
Telephone: 304-558-2924
Fax: 304-558-3450

Date: June 29, 2009

To: Administrative Law Division of Secretary of State's Office

From: Adam L. Higginbotham, Director, Board of Barbers and Cosmetologists

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

SUMMARY OF PROPOSAL

This rule updates terminology, unifies the requirements from the new code 30-27 to this rule, clarifies the instructor qualifications, and increases hours of training for a student instructor from 250 to 375.

X


Adam L. Higginbotham M.B.A.
Executive Director