

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

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1990 JUN 10 AM 8:27
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 Beauticians TITLE NUMBER: 3

CITE AUTHORITY W. Va. Code §30-27-1

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 Registration of Instructors in Barbering and Beauty Culture

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

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.

Edwin Roush
Edwin Roush, Executive Director

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Qualifications, Training, Examination and Registration of Instructors in Barbering and Beauty Culture (3 CSR 2)

Type of Rule: X Legislative Interpretive Procedural

Agency W.Va. 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.

Although there will be some increase in the Board's workload, existing funding is adequate.

3. Objectives of these rules:

The proposed amendments: 1) insert a 250-hour student instructor curriculum which is being deleted from WV 3 CSR 1, "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"; 2) add various requirements for instructors; and 3) add a requirement for an additional 100 hours training in permanent waving and an examination in order for barber instructors to qualify to teach permanent waving; and 4) make 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.

The additional 100 hour curriculum and examination required for a barber instructor to qualify to teach permanent waving may cost from \$200 - \$500. In some instances this cost will probably be paid by the school at which the instructor is employed.

C. Economic Impact on Citizens/Public at Large.

NONE

Date May 16, 1988

Signature of Agency Head or Authorized Representative



Edwin B. Roush
Executive Director

WEST VIRGINIA BOARD OF BARBERS AND BEAUTICIANS

RULE ABSTRACT

Title: Qualifications, Training, Examination and Registration of Instructors in Barbering and Beauty Culture.

CSR Title & Series: 3 CSR 2

Type: Legislative

Summary: The proposed amendments: 1) insert a 250-hour student instructor curriculum which is being deleted from WV 3 CSR 1, "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"; 2) add various requirements for instructors; 3) add a requirement for an additional 100 hours training in permanent waving and an examination in order for barber instructors to qualify to teach permanent waving; and 4) make other minor "clean up" changes.

The purpose of these amendments is to permit barbering schools to teach permanent waving.

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

Proposed Rules
Public Comments Received,
Discussion and Response

Title: "Qualifications, Training, Examination and Registration of Instructors in Barbering and Beauty Culture," West Virginia Board of Barbers and Beauticians Legislative Rules, 3 CSR 2.

A public hearing regarding this rule was held on October 26, 1987, and was attended by twelve people. Copies of comments are attached. Ms. Mills spoke on behalf of Mr. Jack Donta, Huntington School of Beauty Culture.

(1) Comment (Betty Dixon): This proposed rule will increase the workload of the Board. (Fiscal Note)

Response: The fiscal note has been revised to state more precisely that although there will be some increase in the Board's workload, the Board can support the increase out of existing funding.

(2) Comments -- Section 4.3: (Rebecca Mills - Huntington School of Beauty Culture), Who will instruct a barber to qualify him/her to instruct? (D. David McGuire, Phillips Colleges), Instructors should complete an equal number of hours of instruction in permanent waving as that of the student he/she will teach. (Beverly Thalman, Wheeling Barber College), The 100-hour training for instructors would be comprehensive hands on training and would be adequate. With the 375 hours for students, many hours will be spent waiting for customers.

Response: As can be seen, opinions varied on the new one hundred hour curriculum to qualify barber instructors to teach permanent waving. The Board believes that this curriculum and training of individuals who are already instructors will be more intensive and advanced than that for students, and will be sufficient for the purpose.

(3) Comment (Betty Dixon): Section 4.3.1. This is like the aesthetician curriculum, if the Board cannot issue [sanitation, etc.] rules and regulations, then they should not propose this rule.

Response: The Board agrees that the standards governing permanent waving should be the same for barbers as for beauticians. Therefore, 3 CSR 3, "Operation of Barber Shops and Schools of Barbering," is being expanded to include the requirements applicable to permanent waving from 3 CSR 4, "Operation of Beauty Shops and Schools of Beauty Culture." No change related to this comment is proposed for this rule (3 CSR 2).

[PROPOSED]

TITLE 3

LEGISLATIVE RULES
BOARD OF BARBERS AND BEAUTICIANS

QUALIFICATIONS, TRAINING, EXAMINATION AND REGISTRATION
OF INSTRUCTORS IN BARBERING AND BEAUTY CULTURE

SERIES 2

198_

For Filing with the Legislative
Rule-Making Review Committee

[PROPOSED]
WEST VIRGINIA LEGISLATIVE RULES
BOARD OF BARBERS AND BEAUTICIANS

QUALIFICATIONS, TRAINING, EXAMINATION AND REGISTRATION
OF INSTRUCTORS IN BARBERING AND BEAUTY CULTURE

3 CSR 2

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[PROPOSED]
TITLE 3
LEGISLATIVE RULES
BOARD OF BARBERS AND BEAUTICIANS

FILED

1988 JUN 10 AM 8 28

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

SECRETARY OF STATE

§3-2-1. General

1.1. Scope - These legislative rules establish This legislative rule establishes the qualifications, training, examination and registration of instructors in barbering or beauty culture.

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

1.3. Filing Date -

1.4. Effective Date -

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

1.5. Supersession and Repeal of Former Rules - This rule supersedes and repeals "Qualifications, Training, Examination and Registration of Instructors in Barbering and Beauty Culture," Board of Barbers and Beauticians Legislative Rules, 3 CSR 2, filed August 3, 1972 and refiled on December 30, 1982.

§3-2-2. Application and Enforcement

2.1. Application - These legislative rules apply This rule applies to any person seeking licensure as an instructor in barbering or beauty culture.

2.2. Enforcement - Enforcement of these legislative rules this rule is enforced in the ~~directer~~ of the West Virginia Board of Barbers and Beauticians.

§3-2-3. Age Limit for Instructors - An applicant for registration as a student instructor in barbering or beauty culture must be at least eighteen (18) years of age, and to be eligible to apply for examination and registration as a regular instructor, must be at least twenty-one (21) years of age.

§3-2-4. Minimum Basic Educational Requirements

4.1. All applicants seeking registration as a student, or regular, instructor in barbering or beauty culture must have completed the twelfth grade of free school education, or its equivalent, as certified by the State Board of Education, or someone in authority to issue such record of education.

4.2. All applicants, before seeking registration as a student instructor must have been employed at least one (1) year in

a salon. The applicant must then complete an additional two hundred and fifty (250) hours instructor's training as shown in Table 3-2A at the end of this rule and pass an examination before the board. The curriculum shown in Table 3-2A must be taught by a regular instructor or an instructor certified with a degree in education.

4.3. All barber instructors must complete an additional one hundred (100) hours training in permanent waving and pass an examination before the Board in order to qualify to teach permanent waving in the barber schools. The curriculum, which is shown in Table 3-2B, must be taught by a regular beauty instructor or a qualified barber instructor.

4-2-4.4. During the period of training as student instructor, all applicants 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 having the equivalent subject content, as indicated under minimum college requirements in these regulations. this rule.

4-3-4.5. Applicants aspiring for registration as an instructor in beauty culture must during the prescribed training period, secure a hairstyling certificate from an advanced hairstyling school, approved by the Board, which certificate, or a copy thereof, shall become a part of the application for examination and/or registration as a regular instructor in beauty culture.

4-4-4.6. No applicant may secure student registration and/or renewal for a gross period of more than three (3) years. All applicants will secure the required and prerequisite training necessary to qualify for examination and registration during the three (3) year period, and must at all times during practice teaching be under the supervision of a regularly registered instructor.

§3-2-5. General Regulations

5.1. All applicants for registration as an instructor in barbering or beauty culture must have been graduated from a recognized school of barbering or beauty culture, as the case may be, and must be registered to practice his profession in this State. Junior-barbers-and--beauticians--may--qualify--as--student--instructors:---Provided--they--have--the--proper--qualifications--and--are--approved--for--such--training--by--the--Board.

5.2. It is the duty of all school owners who expect to employ a student instructor to interview properly the applicant and make a recommendation to the Board, in writing, giving their opinion of all such applicants, to accompany the application for student registration. Progress reports must be submitted, at least, annually on all student instructors employed in any barber or beauty school.

5.3. An applicant from another state, seeking registration as an instructor, may be considered eligible for registration by reciprocity: Provided, that the applicant has acquired training in another state equal to that prescribed in this State, and is otherwise able to meet the general requirements in effect at the time of making application for such registration.

5.4. An applicant, for registration as an instructor, who has practiced barbering or beauty culture for a period of five (5) years in the state prior to making application for such registration, who possesses the required college credits indicated in ~~these regulations~~, this rule, and in the case of a beautician who has acquired an acceptable certificate in advanced hairstyling, may secure registration as a student instructor and qualify for examination as a regular instructor after serving two (2) years as a student instructor in a duly licensed school of barbering or beauty culture in this State.

5.5. An applicant meeting all requirements set forth in ~~these regulations~~, this rule, who has been recorded as making good grades during the training period and has earned a recommendation from the school owner where employed, may be registered as a regular instructor without submitting to an examination, at the discretion of the Board at the end of the training period. Otherwise, all applicants will submit to the regular instructors examination to secure a certificate of registration.

5.6. An applicant, in order to renew a certificate of registration as an instructor, must have been employed full-time for at least three (3) consecutive months within the calendar year as an instructor in an approved school of barbering or beauty culture. In the event an applicant has not been so employed, such applicant shall submit to an examination before the Board and complete a six (6) month "In-Service" training program in a state-approved barber or beauty college.

5.7. The examination for instructors shall consist of a written, oral and demonstrative examination and shall include such subjects as the Board deems germane to the examination to determine the qualifications and fitness of an applicant to teach barbering or beauty culture.

5.8. Approved schools of advanced hairstyling will be those listed from time to time by the Board as being acceptable for advanced training in hairstyling. A list of all such approved schools will be furnished by the Board upon request. An advanced hairstyling certificate from a school not approved by the Board will not be acceptable as evidence in the proficiency of advanced hairstyling to make an applicant eligible for examination as an instructor.

5.9. All certificates, records or transcripts of training required to make an applicant eligible for examination, or registration as an instructor, submitted with an application becomes

become the property of the Board.

5.10. The certificate of registration as a student, or regular, instructor in barbering or beauty culture may be revoked by the Board for any reason specified in the law authorizing the Board to revoke, suspend or fail to renew the certificate of registration of a regular barber or beautician. Any such certificate of registration so revoked as a regular barber or beautician will automatically include the certificate of registration as instructor.

5.11. Any person whose certificate of registration as 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, but will forfeit all rights to act in any capacity in connection with the teaching of barbering or beauty culture in this State.

5.12. Every person registered in any capacity as instructor in this State must keep his certificate of registration or renewal posted conspicuously in the school wherein he is employed.

5.13. No instructor shall teach any subject in any school of barbering or beauty culture not listed by the Board as a required subject in the curriculum governing the teaching of barbering or beauty culture in this State.

5.14. The fee for registration, or renewal, as a student instructor shall be fifty dollars (\$50.00). The examination, or reciprocity, fee for an applicant as instructor shall be the sum of twenty five dollars (\$25.00) plus the required fifty dollars (\$50.00) registration fee.

§3-2-6. Renewal of Instructors Certificate of Registration

6.1. All applicants desiring to renew a certificate of registration as instructor are required to submit evidence of having met the following qualifications. (Inactive status as an instructor does not exempt an applicant from complying with this regulation rule.)

6.1.1. Within each two (2) year period, acquire a minimum of three (3) hours additional credits in approved subjects relating to the art of teaching: Provided, That senior applicants who have renewed a certificate of registration as an instructor for seven (7) years over a nine (9) year period, shall be exempt. ~~from complying with Part (1) of this regulation, pertaining to additional college credits for teaching.~~ These credits may be obtained in any state college or university approved for the original training of instructors, or in seminars endorsed by the State Board of Barbers and Beauticians. Hours and credits earned for attending annual and semiannual seminars will be established

by the Board in cooperation with the State Supervisor of Trade and Industrial Education, State Department of Education and other agencies in or out of state where such seminars may be held.

6.1.2. Within each two (2) year period, renew the certificate indicating proficiency in advanced hairstyling, in an approved school of advanced hairstyling. (This applies to instructors in beauty culture only.)

6.1.3. Every person now registered as a regular instructor on the effective date of this regulation, rule, who has not been employed in an approved school of barbering or beauty culture for at least three (3) consecutive months within the calendar year, shall in order to renew the certificate of registration submit to an examination before the Board and complete a six (6) month "In-Service" training program in a state approved barber or beauty college.

6.2. All instructor's certificates of renewal expire with the calendar year.

6.3. The requirements indicated in ~~these--regulations~~ this rule for instructors in barbering and beauty culture represent the minimum standards for teacher training. In order to maintain well-trained teachers, an "In-Service" training program should be continued in the art of pedagogy.

\$3-2-7. Minimum College Requirements for Instructors in Barbering and Beauty Culture in West Virginia

7.1. **Subjects and Required Hours:** (See Table 3-2A 3-2C found at the end of this regulation rule.)

A minimum of two hundred fifty (250) clock hours is required.

7.2. The first five (5) courses listed may be taken in any junior college, or degree-granting institution, approved by the State Board of Education. The courses may be taken either on campus or in extension. Students who satisfy the admission requirements of an institution and the prerequisites for a course may enroll for college credit. Students who do not meet the prerequisites for a course may audit the course. If the student takes work for credit, he will establish credit with the State Board of Barbers and Beauticians by having the transcript of the credit earned sent to the Board.

7.3. If a student audits a course, he shall be required to present a statement by the instructor of the course, indicating that the student has participated in all class activities and has performed satisfactorily. If a student audits a course, the instructor's statement shall indicate the number of clock hours for which the class was scheduled. The student shall be responsible for having the instructor send the above statement to the

3 CSR 2

State Board of Barbers and Beauticians, thereby establishing credit for any course audited.

TABLE 3-2A*

<u>250 Hour Curriculum for Student-Instructors.</u>		<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)	20

*Table 3-2A is entirely new. Underlining of new text is omitted.

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 3-2B is entirely new. Underlining of new text is omitted.

TABLE 3-2A 3-2C

	<u>Semester Hours</u>	<u>Clock Hours</u>
*Psychology of Learning	2-3	30-45
*Methods of Teaching	2-3	30-45
*Audio-Visual Aids	2-3	30-45
*Public Speaking	2-3	30-45
English Composition	2-3	30-45
Summer Short Course		30
Seminars		<u>50</u>
	Total	230-305
*Required courses		

PUBLIC HEARING

Barbours & Beauticians Rules

10-26-87

DO YOU WISH TO COMMENT (YES/NO)

GROUP REPRESENTED (IF ANY)

ADDRESS

NAME

NAME	ADDRESS	GROUP REPRESENTED (IF ANY)	DO YOU WISH TO COMMENT (YES/NO)
Robert Mills	4128th St. Hgh. W.V. 25701	Hgh. Sch. of Beauty Culture	NO
John Brantley	P.O. Box 418 Charlesburg, WV	Board Member B+B	NO
Edwin ...	Board of Barbours & Beauticians		NO
J. J. ...	311 Elm St. C. B. ...	Bo. of Barbours & Beauticians	und.
Betty J. ...	4328 Hughes St. Huntington	Board of Barbours & Beauticians	und.
Genevieve W. ...	329 S. Overton St. - Martinsburg	International Beauty Entpr.	YES -
Charles B. ...	329 S. Green St. Martinsburg	International Beauty Entpr.	NO -
David M. ...	1502 Market St. Wheeling, WV	Wheeling Beauty College	Yes -
Dona ...	Post Office ...	Health Dept	
Ronald ...	Dr. Ed. of Barbours & Beauticians		
Bernadine ...	338 Washington Ave. Huntington, WV	Hgh. v. chm. Barbours College	NO.



Phillips Colleges, Inc.

One Hancock Plaza
Suite 1408
Gulfport, Mississippi 39501
(601) 864-6096

VIA FEDERAL EXPRESS

October 21, 1987

Department of Health
Regulatory Development Section
1800 Washington Street, E.
Charleston, WV 25305

Gentlemen:

The enclosed are comments of opposition to certain proposed rule changes governing the beauty culture and barbering industry in the State of West Virginia.

I represent Phillips Colleges, Inc., owner of Wheeling Beauty College. During the past (7) seven years, I have worked diligently to resolve legislative and departmental rule conflicts. While these proposed rule changes may have some merit, their broad effect would cripple the beauty industry within the state as well as be deemed unconstitutional based on the "Restriction of Trade Doctrine."

I desire to speak at the upcoming public hearing to further voice my opposition to these proposed changes.

Sincerely,

PHILLIPS COLLEGES, INC.

D. David McGuire
Vice President for Cosmetology

DDM/tw
cc: Gerald D. Adams, President

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OCT 23 1987

**REGULATORY DEVELOPMENT
SECTION**



Phillips Colleges, Inc.

One Hancock Plaza
Suite 1408
Gulfport, Mississippi 39501
(601) 864-6096

October 21, 1987

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OCT 23 1987

**REGULATORY DEVELOPMENT
SECTION**

Department of Health
Regulatory Development Section
1800 Washington Street, E.
Charleston, WV 25305

RE: Proposed Rule Change
Chapter 30, Article 27, Section 1

Gentlemen:

I write in opposition to the proposed changes of this rule based on the following reasoning:

Section 4 Licensing Standards

4.1 General Policy

(b) Imposing a five-year residency requirement for owners of schools of barbering and beauty culture greatly limits the number of prospective operators of such schools within the State of West Virginia. The worst scenario would be a situation of financial insolvency or death of a current school owner. This likely scenario would potentially cause a school to close, harming a number of students by depriving them of their education.

(e) The proposed requirement of three rather than two registered regular senior instructors places a financial burden on schools desiring to operate with a fewer number of students by requiring the smaller school to pay instructors they actually do not need.

4.3 Financial Responsibility

The requirement of a (\$125,000.00) one hundred twenty-five thousand dollar performance bond is ludicrous. The existing bond requirement is one of the highest in the nation. (See attachment) This amendment seems directed as a restriction of trade within West Virginia.

Department of Health
October 21, 1987
Page Two (con't)

4.5 Instructors

Please refer to comments in subsection 4.1 regarding requirement of three senior instructors.

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OCT 23 1987
REGULATORY DEVELOPMENT
SECTION

Department of Health
October 21, 1987
Page Three (con't)

RE: Proposed Rule Change
Chapter 30, Article 27, Section 1
Series Number 2

I write in opposition to the proposed rule change governing the Qualifications, Training, Examination and Registration of Instructors in Barbering and Beauty Culture, more particularly the proposed 100 hour curriculum and examination required for a barber instructor to qualify to teach permanent waving.

Subsection 4.3

It seems ludicrous to require barber instructors to complete only 100 hours of instruction in the art of permanent waving and at the same time require students to complete 375 hours of instruction in the same area of expertise. I must ask, "who will teach who?" I believe that an instructor should be required to complete as a minimum, an equal number of training hours as that of the students he/she will teach.

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REGULATORY DEVELOPMENT
SECTION

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OCT 23 1987

REGULATORY DEVELOPMENT SECTION

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SCHOOL LICENSE FEES AND SCHOOL FINANCIAL RESPONSIBILITY

STATE	ORIGINAL	RENEWAL	RESPONSIBILITY
Alabama	\$300	400 ^b	\$5000 bond
Alaska	700	400	Personal proof of financial responsibility
Arizona	300	300	\$10,000 bond
Arkansas	500	100	\$5000 bond
California	216	185	\$5000 bond
Colorado	365	69	\$10,000 bond
Connecticut	Schools are no longer licensed		
Delaware	50	50	\$5000 for 25 students
Dist. of Columbia	100	50	None
Florida	150	75 ^a	\$10,000 & up based on sq. footage
Georgia	175	150 ^d	None
Hawaii	500	Note ^b	\$5000 bond
Idaho	500	150	\$5000 bond
Illinois	100	200 ^a	None
Indiana	400 ^c	400 ^c	None
Iowa	500	200	\$15,000 bond
Kansas	100	25	None
Kentucky	1000	100	Personal proof of financial responsibility
Louisiana	305	155	\$5000 bond or financial statement
Maine	Schools are no longer regulated or licensed by the board		
Maryland	100	100 ^a	Personal proof financial responsibility
Massachusetts	200	200	\$5000 bond up to 25 students; \$10,000 bond over 25 students
Michigan	100 ^d	300 ^d	\$10,000 bond
Minnesota	150 fee + 750 lic.	750	\$10,000 bond and personal proof financial responsibility
Mississippi	55	30	\$5000 bond (3 yrs)
Missouri	185	185	None
Montana	100	100	\$5000 bond
Nebraska	1000	100	\$5000 bond for ea. 20 students (1st year only)
Nevada	450	450	\$5000 bond & 25 bona fide students
New Hampshire	125	125	None
New Jersey	100	50	\$10,000 minimum
New Mexico	500 + 100 ^e	500	\$5000 bond
New York	600	Note ^f	\$20,000 bond
North Carolina	50	50	Personal proof financial responsibility
North Dakota	500	200	\$10,000 bond
Ohio	200	200	\$10,000 bond
Oklahoma	400	100	\$2000 bond for 15 students + 1 instructor; \$1000 bond per additional instructor
Oregon	200	200	\$2500 bond
Pennsylvania	50	50	\$100 per student
Puerto Rico	50	None	None
Rhode Island	75	75	\$2000 bond
South Carolina	100	25	\$5000 bond
South Dakota	150	150	Not indicated
Tennessee	300	75	\$5000 bond
Texas	500	200	\$5000 personal bond
Utah	100	60 ^g	\$5000 bond
Vermont	100	50	\$2000 bond
Virginia	65	35	None
Virgin Islands	200	200	None
Washington	150	150	To be determined by Director of Dept. of Lic.
West Virginia	500	250	Personal proof financial responsibility
Wisconsin	50	50 ^h	None
Wyoming	100	100	None

To: Board of Farmer's Health
Fr: Pauline Chalman
Faculty of Barber College

Re: 100 hrs. Barber's Instructor,
D: Oct. 26, 1987

The 100 hours training would
be comprehensive hands
on training.

The 375 hours for
students many hours
will be spent sitting
on the clinic floor
waiting for customers.

I feel the 100 hour
training is adequate
when you consider
it is actual work
done and not wasted
time.

Advanced training and
permanent wave
training previously

acquired should be reviewed. Whether former college staff has had years of training that has never been considered.

DATE:
TO:
FROM:
SUBJECT:

I believe it would be a good idea in the future to do a random survey of students on the actual training they are receiving in the beauty schools and on actual training the crossover students have received.

MEMORANDUM



STATE OF WEST VIRGINIA

DEPT. OF HEALTH



International Beauty Enterprises, Inc.

329 South Queen Street
Martinsburg, WV 25401
October 22, 1987

RECEIVED

OCT 26 1987

Department of Health
Regulatory Development Section
1800 Washington Street, E.
Charleston, WV 25305

REGULATORY DEVELOPMENT
SECTION

Re: 3 CSR 5

To Whom It May Concern:

The following is our response to the proposed changes of Rules and regulations for Licensing Schools of Barbering or Beauty Culture.

The general policy (4.1) under Licensing Standards, Section 4 will require a five year residency prior to the issuance of a license for a school of barbering or beauty culture. It is most evident that little or no thought has gone into this proposed regulation. Our comments regarding this issue are as follows:

We deeply resent, if the need ever arises, being forced to sell our cosmetology school to an extremely limited market. The ability to operate a school of cosmetology arts and sciences is not something that one acquires from being a resident of West Virginia for the period of five (5) years. It is also something that cannot be acquired from reading a textbook or attending a seminar. As a school that is accredited by the National Accrediting Commission of Cosmetology Arts and Sciences I believe it is in the industry's best interest to sell the institution to someone with a similar background. In West Virginia that narrows the market to eight (8) other Nationally Accredited Cosmetology Schools. Is this any reason for ever considering owning or even expanding a cosmetology school in West Virginia?

If I am restricted to selling my school to a limited market and I do not receive the fair market value on my investment do I have any recourse?

If I offer my cosmetology school for sale and I have no interested parties that have the five year residency requirement do I just close the establishment and deprive the already enrolled students of their education?

In the minutes of the State Board of Barbers and Beauticians, Page 5, dated August 16, 1987 the following statement is made: "...franchised salons and schools are coming into this state and are creating much competition."

This type of antiquated thinking can be most detrimental to the growth of the cosmetology profession in West Virginia. Competition should be looked upon with much challenge and the desire to strengthen educational programs that are already in existence. It is through healthy competition that cosmetology students and licensed cosmetologists can grow further in their field. Complacency is not going to improve our industry in West Virginia.

The proposed five year residency requirement prior to issuance of a license for a barber or beauty school is a detriment to the growth of our industry and should not be a part of the proposed rules and regulations.

Secondly, the proposed requirement stating that the applicant has contracted for the employment of three or more registered regular senior instructors should also be deleted. In questioning the availability of senior instructors in the State of West Virginia we find there are approximately 37 active instructors. Simple mathematics will show that the availability of senior instructors to accommodate the needs of the accredited, non accredited and vocational schools in the state will utilize every available licensee in the state.

This proposed regulation would then require a school of cosmetology to deny enrollment if they are unable to find a third senior instructor.

This proposed regulation would also require an institution to send home students when a senior instructor calls in sick because they will no longer be meeting the requirements of the State Board of Barbers and Beauticians.

When a senior instructor takes a vacation and a replacement can't be found the school would be in violation unless they send their students home.

Unfortunately the piece of paper that states an individual is a licensed senior instructor does not mean that this individual is a qualified instructor. As a result of this

complacency in teaching will also become the norm. Why should a teacher even attempt to improve his or her ability when they have a piece of paper, a license that is a passport to a position, wether qualified or not, because a school owner needs three senior instructors to keep his doors open.

The present requirements to obtain senior instructor licensure in West Virginia is extensive and not realistic as it presently stands. To further require an institution to expand their staff would create extreme hardship on the institution and could possibly force the closing of some cosmetology schools in West Virginia.

We have already discussed the five year residency status with a Washington law firm that specializes in the field of cosmetology arts and sciences. Their immediate reaction was that a violation of law would take place if such a rule was enacted. We have since sent them the complete text of proposed changes. If the proposed changes are adopted we will most actively pursue any and all means to rescind these detrimental changes.

In closing it is indeed unfortunate that such a tremendous amount of time is being wasted caused by individuals that would rather limit, control and stifle the cosmetology school industry in West Virginia. Can you just imagine the growth of our total profession if this negative energy could be harnessed into developing and enhancing our educational programs so our students can truly reap the benefits of superior cosmetology education.

Yours truly,



George W. Schaub, President
International Beauty Schools

cc: Edwin Roush, WV Board of Barbers and Beauticians
Carol Cataldo, National Accrediting Commission of
Cosmetology Arts and Sciences
Dr. James Murphy, National Association of Accredited
Cosmetology Schools
Jerry Adams, Phillips Colleges, Inc.

AMENDED 1

Page 3, Section 4.2 - Classroom and Equipment - Minimum with which a barber and a beauty school will be permitted to operate for no more than 50 students instead of 20.

2. Change 20 dresserettes and 20 mirrors to 50 of each.
15. Change 20 hairdressing chairs to 50
17. Change 20 Classroom chairs to 50.

Jo Ann Berwinkle

ALL THE AMENDMENTS MUST PERTAIN TO THE OPENING OF A NEW BEAUTY OR BARBER SCHOOL OR THE PURCHASING OF AN EXISTING SCHOOL.

AMENDED # 5

1. Turn page to title : Rules and Regulations for Licensing Schools of Beauty Culture and Barbering.
 1. All the amendments must pertain to the opening of a new beauty or barber or the purchasing of an existing school.
 2. A five (5) year residency requirement for major stockholders, not just owner.
 3. Full time employment of three (3) registered regular instructors, not the proposed employment.
 4. Increase Bond to \$125,000.00.
2. Page 1: Section 2.1 Application
Rules must apply to major stockholders
3. Page 1& 2 Section 4.I. General Policy: applicant must be changed to major stockholder.
Turn to page 2 - Contracted changed to hired full time Instructors/
4. Page 2 Section 4.5 - Show to proposed employment must be changed to hired full time.
5. Page 2 - Section 5.1: Name of applicant must be changed to Major stockholders.
6. Page 3 Section 5.3: Board Action- Employment of at least 2 registered Instructors changed to Three Instructors.

JoAnn Berwick

Representing Jack Donta - Huntington
School of Beauty Culture
412 8th St.
Hgn., W.V. 25701

10-26-87

It is my hope that there would be much more time put into research and study of these said proposals. I do not believe there has been adequate thought and honest research done to warrant a "rush" through of these proposals as they read now.

Concerning the proposal of 3 Senior Instructors - I feel it would work better if it were stated one senior instructor for 20 students currently enrolled in any said school.

Concerning the proposal of a 5 year required residence - - What happens if the current owner dies? Or, if he decides to sell what happens to "free enterprise"?

The proposed rule for esthetician should read a proposed rule for "Skin Care".

Finally who will teach a Barber to qualify him/her to instruct ?? How? & Who?

Rebecca Mills

10-25-87

I ~~request~~ request that these Comments on proposed changes in the Rule & Regulations governing Beauticians, Barbers, ^{Instructors,} Salons, Shops and Schools be made a part of the record.

When we first started working on proposed changes, I kept suggesting that the Board needed time & ^{work} meetings to properly make needed changes. Also research as to other States. It is my personal feeling's the board has not had adequate time & research to do this.

~~The meeting.~~

The public hearing today is on Proposed Rule Series # 1, 2, 3, 4, 5, 6
What I have read is not the changes the Board of Barbers and Beauticians worked on. There have been proposed rule deleted also changes made in proposed rule and there have been additions to proposed rule that the Board of Barber and Beauticians did not approve.

(1)

10-25-87

Series
Proposed Rule # 1

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

#1. The effect of proposed rule will
increase the work load of the W.V. Board
of Barber & Beauticians which is always
short handed.

#2. The Aesthetician Curriculum has
NO Rules or regulation. Inspector

#3. The last page same as above
also it is the ^{31D} Cross over Curriculum
for ^{Barber} Schools. 31C is the Cross over Curriculum
for Beauty schools

~~If the Board~~ If the Board cannot
issue rules & regulations relating to
Aestheticians then I feel we should not propose
~~for~~ a curriculum. We need to change
~~I propose~~ this curriculum to propose a
Curriculum for 300 hr Skin Care

(2)

10-25-87

Proposed Rule Series # 2

Qualifications, Training, Examination and
Registration of Instructors in Barbering
& Beauty Culture

1. This proposed rule will increase the
work load of the WV. Board of Barbers & Beauticians

2. 4.3.1. 100 hr curriculum for Barber Instructors
to qualify to teach permanent waving.

~~For~~ This like Dentician curriculum the
Board cannot issue rules & regulations when
they should not propose this rule.

Proposed Rule # 3 ^{Series}

Operation of Barber Shops & Schools of Barbering

1 This proposed rule The WV Board
of Barbers & Beauticians did not make or
approve

Proposed Rule Series # 4 Operation of Beauty Shops
and Schools of Beauty Culture

1 This proposed rule The WV Board of
Barbers & Beauticians did not make or approve
(3)

10-25-87

Proposed Rule Series 5

Rules & Regulation for Licensing Schools of Barbering
& Beauty Culture

- # 1 4.1. The changes are incorrect
- # 2 4.5. The changes are incorrect
- # 3 5.3. Incorrect
- # 4 6.2. The changes are incorrect
- # 5 Page 5 4th paragraph Changes are incorrect

Proposed Rule Series 6

Minimum Curriculum for schools of Barbering

1 These changes will ~~effect~~ increase the work load of the WV Board of Barber & Beauticians which is always short handed

2 As in Reshtecian of The Board cannot issue rules & regulations for the proposed permanent waving curriculum then The Board should not propose a curriculum

3 There is no Equal Opportunity by taking away from the Beauticians Curriculum & adding to the Barber Curriculum
(4)

10-25-87

Equal should be ~~to~~ take away from the Barber Curriculum & giving to the Beauty Culture Curriculum.

With the Cross over Curriculum in effect now the employment opportunities are better & ~~4000~~⁷⁰⁰ hrs shorter for the students in W.V. Barber Schools ~~in~~ or compared to surrounding States

In summary ^{WV} I feel the primary function of the Board of Barbers & Beauticians is to protect the Health Safety and Welfare of the Public. The proposed rule changes omits rules and regulation which are important to the Health Safety & Welfare of the Public. I am in favor of changes & updating of rules & regulation.

Betty J Dixon
4328 Hughes St
Huntington, W. Va. 25704
(5)