

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

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SECRETARY OF STATE

**NOTICE OF RULE MODIFICATION OF A PROPOSED RULE**

AGENCY: Board of Barbers and Beauticians TITLE NUMBER: 3

CITE AUTHORITY §30-27-1, W.Va. Code

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 NEW RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

E. B. Roush  
Edwin Roush, Executive Director

AMENDMENT TO RULE

Board of Barbers and Beauticians - Qualifications, training, examination and registration of instructors in barbering and beauty culture, Series II

On page 5, by inserting a new section, designated section 3-2-8 to read as follows:

"§3-2-8. Repeal of rule - This rule will automatically be repealed on July 1, 1991, unless extended prior to that date by an act of the Legislature."

The Committee adopted the proposed amendment due to the fact that the rule is in bad shape and needs to be completely rewritten. The Committee approved the rule temporarily giving the Board a deadline by which the revision must be made.

[PROPOSED]

TITLE 3

LEGISLATIVE RULES  
BOARD OF BARBERS AND BEAUTICIANS

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

SERIES 2

198\_

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Modification Requested by the Legislative  
Rule-Making Review Committee

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

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

3 CSR 2

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

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

§3-2-1. General

1.1. Scope - These legislative---rules---establish This legislative rule establishes the qualifications, training, examination and registration licensure 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. Notice of Public Hearing - September 25, 1987.

1.6. Public Hearing - October 26, 1987.

1.7. Approval Date - This rule was approved by the West Virginia Board of Barbers and Beauticians on May 22, 1988.

1.8. 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 vested in ~~the director of~~ the West Virginia Board of Barbers and Beauticians.

§3-2-3. Age Limit for Instructors - An applicant for registration licensure 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 licensure 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 licensure as a student or regular senior 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 licensure 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 senior instructor or an instructor certified with a degree in education.

4.3. All senior 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 barber schools. The curriculum, which is shown in Table 3-2B, must be taught by a senior beauty instructor or a qualified senior 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 for licensure as a senior instructor in these regulations. Table 3-2-C of this rule.

~~4-3-~~ 4.5. Applicants aspiring for registration licensure as an a senior 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 licensure as a regular senior instructor in beauty culture.

~~4-4-~~ 4.6. No applicant may secure student registration licensure 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 licensure during the three (3) year period, and must at all times during practice teaching be under the supervision of a regularly-registered licensed senior instructor.

### §3-2-5. General Regulations

5.1. All applicants for registration licensure as an a student or a senior 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 licensed 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 licensure as a student registration instructor. 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 licensure as an a student or senior instructor may be considered eligible for registration licensure 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 licensure.

5.4. An applicant for registration licensure as an a senior 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 licensure, 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 licensure as a student instructor and qualify for examination as a regular senior 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, 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- 5.5. An applicant, In order to renew a certificate of registration as an a license as a student or senior instructor, an applicant must have been employed full-time for at least three (3) consecutive months within the calendar year as an a student or senior 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- 5.6. The examination for student or for senior 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- 5.7. 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 a senior instructor in beauty culture.

5-9- 5.8. All certificates, records or transcripts of training required to make an applicant eligible for examination for or-registration licensure as an a student or senior instructor submitted with an application becomes become the property of the Board.

5-10- 5.9. The certificate-of-registration-as license of a student or regular, senior 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 license of a regular barber or beautician. Any such certificate--of--registration license so revoked as for a regular barber or beautician will automatically include the certificate-of-registration-as-instructor- revocation of the instructor's license.

5-11- 5.10. Any person whose certificate-of-registration license as a student or senior 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- 5.11. Every person registered in any capacity as a student or senior instructor in this State must keep his certificate-of-registration original or renewal license posted conspicuously in the school wherein he is employed.

5-13- 5.12. No student or senior 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- 5.13. The fee for registration, original or renewal licensure as a student instructor shall be fifty dollars (\$50.00). The examination or reciprocity fee for an applicant as a senior or student instructor shall be the sum of twenty-five dollars (\$25.00) plus the required fifty dollars (\$50.00) registration licensure fee.

### §3-2-6. Renewal of Instructor's Certificate--of--Registration License

6.1. All applicants desiring to renew a certificate-of-registration license as a student or senior instructor are required to submit evidence of having met the following applicable 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 their license as an senior 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 West Virginia 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 senior instructors in beauty culture only.)

~~6.1.3. Every--person--new--registered--as--a--regular--instructor on the effective--date--of--this--regulation,--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 student and senior instructor's certificates of renewal licenses 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 Senior Instructors in Barbering and Beauty Culture in West Virginia

7.1. Subjects and Required Hours - (See Table 3-2A found at the end of this regulation.) The minimum required college subjects and hours for senior instructors are shown in Table 3-2C

found at the end of this 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 as extension courses. 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 West Virginia 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 State West Virginia Board of Barbers and Beauticians, thereby establishing credit for any course audited.

§3-2-8. Administrative Due Process - Those persons adversely affected by the enforcement of this rule shall have the right to request a contested case hearing in a manner pursuant to the provisions of Chapter 29A, Article 5 of the West Virginia Code.



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WEST VIRGINIA LEGISLATURE  
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE  
Room M-438, State Capitol  
Charleston, West Virginia 25305  
(304) 340-3286

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Senator Larry A. Tucker, Co-Chairman  
Delegate Thomas A. Knight, Co-Chairman

December 6, 1988

M. E. Mowery, Counsel  
Debra A. Graham, Associate Counsel  
Marie Nickerson, Receiving Clerk

NOTICE OF ACTIONS TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Mr. Edwin Roush, Executive Director  
Board of Barbers and Beauticians  
4860 Brenda Lane, Guthrie Center  
Charleston, WV 25312

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Qualifications, Training, Examination and Registration  
of Instructors in Barbering and Beauty Culture

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
  - (a) as originally filed \_\_\_\_\_
  - (b) as modified by the agency \_\_\_\_\_
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. \_\_\_\_\_
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. \_\_\_\_\_
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.   X
5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. \_\_\_\_\_

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.

cc: Kay Howard, Dept. of Health  
Nancy Smith, Little French Beauty Academy  
Wayne Stonestreet, Esq.  
Jerry Scott  
Beauty by Shea