

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

Form #2

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2010 JUN 18 PM 3: 18
WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Board of Barbers and Cosmetologists TITLE NUMBER: 3CSR2

RULE TYPE: Legislative CITE AUTHORITY: 30-27-5

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: Qualification Training, Examination of Licensure of Instructors

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

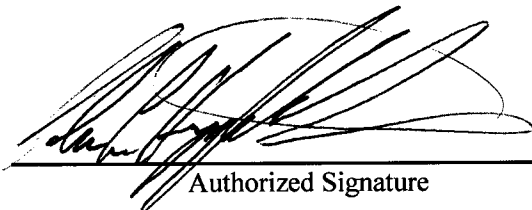
TITLE OF RULE BEING PROPOSED: _____

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 June 21, 2010 AT July 22, 2010 ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

1201 Dunbar Avenue, Dunbar, WV 25064

wvbbc@wv.gov

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


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



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GRACE WEST VIRGINIA
SECRETARY OF STATE

Joe Manchin III
Governor

Adam L. Higginbotham
Director

State of West Virginia
Board of Barbers and Cosmetologists
1201 Dunbar Ave.
Dunbar, WV 25064
Telephone: 304-558-2924
Fax: 304-558-3450
www.wvbbc.org

Board Members
Michael Belcher
Justina Gabbert
Sarah Hamrick
Paula Kurczak
Susan Poveromo
Jim Ryan
Rick Stache

TO: SECRETARY OF STATE NATALIE TENNANT
FROM: ADAM L. HIGGINBOTHAM, DIRECTOR, BOARD OF BARBERS AND COSMETOLOGISTS
SUBJECT: 3 CSR **2**
DATE: 6/17/2010

The attached proposed rule changes are needed to create more master instructors in the State of West Virginia by providing experienced individuals the opportunity to teach in a school of beauty culture.

As of May 2010, West Virginia has 58 master instructors with the average age of 57.3. The reason for the low number of master instructors could be that it takes 4 1/2 years or more to obtain master instructor status. Additionally, the time to be able to be a master instructor in the beauty industry takes longer than an individual wishing to teach in elementary school. Therefore, additional tracks to master instructor status are needed to save the title of master instructor.

The Board is proposing two additional tracks or options to obtain master instructor status. Under the current track, there are near 10 individuals that are close to master instructor status in the state. The key backlash to this track is the 15 college credit hours requirement. In the two additional tracks, the Board is wishing to replace the 15 college credit hours with different requirements.

In track #2, the Board wishes to replace the 15 college credit hours with 10 years of experience as an instructor. This change will open the door to 10-20 individuals wishing to become master instructors.

In track #3, the Board wishes to replace the 15 college credit hours with 15 years of licensed experience in the beauty industry. This change will open the door for more people to become master instructors.

Although these changes will allow the possibility for more people to become master instructors, which are important for the cap on enrollment numbers, all individuals wishing to become a master instructor will still be required to complete the 375 hour instructor training and sit for the instructor and master instructor examination.

Without this change, many public and private beauty schools in the State of West Virginia will be required to close down due to failure to abide by the master instructor requirements in our rules and regulations.

Sincerely,

Adam L. Higginbotham, Director

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Qualification Training Examination of Licensure of Instructors

Type of Rule: Legislative Interpretive Procedural

Agency: Board of Barbers and Cosmetologists

Address: 1201 Dunbar Avenue
Dunbar, WV 25064

Phone Number: 304-558-2924 Email: wbbbc@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.

NA

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	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Qualification Training Examination of Licensure of Instructors

Rule Title: _____

Rule Title: _____

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

NA

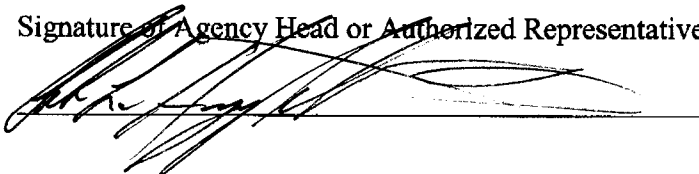
MEMORANDUM

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 has no fiscal impact.

Date: 6/17/2010

Signature of Agency Head or Authorized Representative



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2010 JUN 18 PM 3:19

TITLE 3
LEGISLATIVE RULES
BOARD OF BARBERS AND COSMETOLOGISTS

COMMONWEALTH OF VIRGINIA
SECRETARY OF STATE

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

§ 3-2-1. General

- 1.1. Scope - This legislative rule establishes the qualifications, training, examination and certification of both instructors 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 § 30-27-5. Related § 30-27-6 et seq.
- 1.3. Filing Date - April 13, 2010
- 1.4. Effective Date - July 1, 2010

§ 3-2-2. General Qualifications for Licensure as an Instructor

- 2.1. An individual seeking certification 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 a high school diploma, GED, or "ability to benefit" test approved by the United States Department of Education;
 - 2.1.4. Have graduated from a recognized school of barbering or beauty culture;
 - 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~~ approved 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. Submit a letter from a school owner or manager certifying that the applicant has completed 375 hours of instructor training and attesting to the applicant's 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. ~~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. Have had an active license in the subject or specialty wishing to teach for two years.
- 2.1.13. Pay all applicable certification, examination, and registration fees.

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

- 3.1 An individual seeking certification as a master instructor in a school of barbering and/or beauty culture must complete one of the following three tracks to master instructor licensure:

TRACK #1

- 3.1.1. Be at least twenty-two (22) years of age with all prerequisites mentioned in the Qualifications for Certification 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. Have three (3) years experience as an instructor in beauty culture.
- 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. Submit a letter from a school owner or manager certifying that the applicant has completed 375 hours of instructor training and attesting to the applicant's 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, and other information pertaining to the industry.

- 3.1.8. 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 Have an active license in the subject or specialty wishing to teach.
- 3.1.10 Pay all applicable certification, 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.

TRACK #2

- 3.2.1. Complete 375 hours of instructor training.
- 3.2.2. Have ten (10) years experience as an instructor in beauty culture.
- 3.2.3. 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.
- 3.2.4. Submit a letter from a school owner or manager certifying that the applicant has completed 375 hours of instructor training and attesting to the applicant's professional capabilities and employment and instructing experience.
- 3.2.5. Present a portfolio to include, but not limited to photos of hairstyles performed or created, lesson plans, and other information pertaining to the industry.
- 3.2.6. Have passed a practical presentation, written, and oral skills test with a 70% or higher pass rate and have trained under a master instructor
- 3.2.7. Have an active license in the subject or specialty wishing to teach.
- 3.2.8. Pay all applicable certification, examination, and registration fees.
- 3.2.9 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.

TRACK #3

- 3.3.1. Complete 375 hours of instructor training.
 - 3.3.2. Have fifteen (15) years of licensed experience in beauty culture.
 - 3.3.3. 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.
 - 3.3.4. Submit a letter from a school owner or manager certifying that the applicant has completed 375 hours of instructor training and attesting to the applicant's professional capabilities and employment and instructing experience.
 - 3.3.5. Present a portfolio to include, but not limited to photos of hairstyles performed or created, lesson plans, and other information pertaining to the industry.
 - 3.3.6. Have passed a practical presentation, written, and oral skills test with a 70% or higher pass rate and have trained under a master instructor
 - 3.3.7. Have an active license in the subject or specialty wishing to teach.
 - 3.3.8. Pay all applicable certification, examination, and registration fees.
 - 3.3.9. 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.
-
- 3.24. An instructor certification must be renewed annually or biennially on or before January 1.
 - 3.35. Every person certified in any capacity as an instructor or master instructor in this State must keep his or her original or renewed certificate posted conspicuously in the school wherein they are employed.

§ 3-2-4. Additional Requirements for Certification as an Instructor.

- 4.1. All barber and beauty school owners who expect to employ an 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 instructor. School owners must submit annual progress reports on all instructors employed in their barber or beauty school to the Board.
- 4.2. All student instructors must sit for each exam for which they are eligible.
- 4.3. All examinees that have not successfully passed the examination for licensure as a master instructor or instructor in two attempts, before resuming teaching duties, must meet any other applicable and reasonable request of the Board in direct relation to teaching or practical knowledge set forth by the Board.

§ 3-2-5. Additional Educational Requirements for Certification 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 three hundred seventy five hours (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. This section applies to only 1800 hour barber graduates.
- 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 or any other means officially approved by the degree-granting institution. The student shall report the credit received to the Board by evidence of an official school transcript.

§ 3-2-6. Renewal of Certification as an Instructor or Master Instructor

- 6.1. Continuing education requirements must be completed in order to receive certificate renewal.

- 6.2. 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.
- 6.3. 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 certification as an instructor or master instructor is eligible for certification by reciprocity if the applicant has acquired training in another state equal to the requirements established in this rule for the respective certificate requested: Provided, that the state in which said applicant is certified extends the same privilege to certified instructors from this state.

§ 3-2-8. Revocation of Certificate

- 8.1. The certificate 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 who is certified 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 hearing in a manner pursuant to the provisions of W. Va. Code § 30-27-20 et seq.

TABLE 3-2A. 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	20
4. Good Grooming and Personality Development	10
5. Course Outlining and Development	15
6. Lesson Planning	30
7. Teaching Techniques (Methods)	40
8. Teaching Aids - Audio-Visual Techniques	20
9. Demonstration Techniques	30
10. Examination and Analysis	20
11. Classroom Management	15
12. Record Keeping	10
13. Teaching Observation	40
14. Teacher Assistant	40
15. Pupil Teaching (Practice Teaching)	60
TOTAL	375

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

	THEORY & LECTURE	DEMONSTRATION	PRACTICE	TOTAL HOURS
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	10	8	18	36
TOTAL	30	22	48	100

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

<u>SEMESTER SUBJECTS</u>	<u>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