

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

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Board of Barbers and Cosmetologists TITLE NUMBER: 3

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
Certification of Instructors in Barbering and
Cosmetology

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

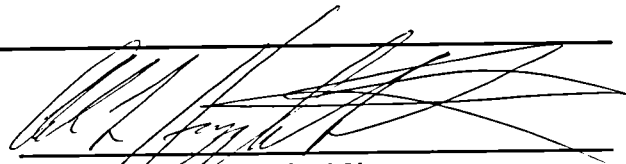
TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB2639

SECTION §64-9-5 b, PASSED ON March 18th, 2011

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: July 1st, 2011


Authorized Signature

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SECRETARY OF STATE

**TITLE 3
LEGISLATIVE RULES
BOARD OF BARBERS AND COSMETOLOGISTS
SERIES 2
QUALIFICATIONS, TRAINING, EXAMINATION AND
CERTIFICATION OF INSTRUCTORS IN BARBERING AND COSMETOLOGY**

§ 3-2-1. General

1.1. **Scope** - This legislative rule establishes the qualifications, training, examination and certification instructors in schools of barbering or cosmetology.

1.2. **Authority** - § 30-27-6 and § 30-27-16 et seq.

1.3. **Filing Date** – June 16, 2011

1.4. **Effective Date** – July 1, 2011

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

2.1. An individual seeking certification must:

2.1.1. Have been licensed 5 years with 5 years of salon/shop experience;

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 cosmetology;

2.1.5. Have submitted an application to the Board with the appropriate fees;

2.1.6. Have passed an examination approved by the Board consisting of a written, oral and demonstrative section including subject areas adopted by the Board with at least a 80% pass percentage.

2.1.7. Submit an application to the Board;

2.1.8. Pay applicable certification, examination and registration fees.

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

3.1. All barber and cosmetology 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.

§ 3-2-4. Renewal of Certification as an Instructor

- 4.1. Continuing education requirements must be completed in order to receive certificate renewal.
- 4.2. 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.
- 4.3. The applicant for renewal must submit the appropriate fee as specified in 3 CSR 6.

§ 3-2-5. Reciprocity

- 5.1. An applicant from another state seeking certification as an 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.

§ 3-2-6. Revocation of Certificate

- 6.1. The certificate of an 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.
- 6.2. Any person who is certified as an instructor has been suspended or revoked may at the discretion of the Board, be entitled to continue to practice barbering or cosmetology.

§ 3-2-7. Administrative Due Process

- 7.1. 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 § 30-27-1 et seq.