



**WEST VIRGINIA  
SECRETARY OF STATE**

**MAC WARNER**

**ADMINISTRATIVE LAW DIVISION**

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1/25/2017 2:16:03 PM

OFFICE OF  
WEST VIRGINIA SECRETARY OF STATE

**FORM 4 -- NOTICE OF RULE MODIFICATION OF A PROPOSED RULE**

AGENCY **Barbers And Cosmetologists**  
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE No TITLE-SERIES **3-02**  
RULE NAME **Qualifications, Training, Examination and Certification of Instructors in Barbering and  
Cosmetology**  
CITE AUTHORITY **§30-27**

THE ABOVE PROPOSED LEGISLATIVE RULES, 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.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

**Yes**

**Charles E Persinger -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 3-02



Rule Id: 10139



Document: 40219

TITLE 3  
LEGISLATIVE RULE  
BOARD OF BARBERS AND COSMETOLOGISTS

SERIES 2  
QUALIFICATIONS, TRAINING, EXAMINATION AND  
CERTIFICATION OF INSTRUCTORS IN BARBERING, HAIR STYLING, NAIL TECHNOLOGY, AESTHETICS AND  
COSMETOLOGY

**§ 3-2-1. General.**

1.1. Scope. -- This legislative rule establishes the qualifications, training, examination and certification instructors in schools of barbering, hairstyling, nail technology, aesthetics 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.~~

1.5. Sunset Provision: This rule shall terminate and have no further force or effect upon the expiration of 10 years from its effective date.

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

2.1. An individual seeking certification must:

2.1.a. ~~Have been licensed five (5) years with five (5) years of salon/shop experience;~~  
Have successfully passed a "teaching techniques" course at a post-secondary education level.

2.1.b. Be of good moral character and of temperate habits;

2.1.c. Have a high school diploma, GED, or "ability to benefit" test approved by the United States Department of Education;

2.1.d. Have graduated from a recognized school of barbering, hair styling, aesthetics, nail technology or cosmetology;

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

2.1.f. Have passed an examination approved by the Board consisting of an NIC Instructor exam ~~written exam, oral~~ and WV State Law exam ~~demonstrative section including subject areas adopted by the Board~~ with at least an 80% pass percentage.

2.1.g. Submit an application to the Board;

2.1.h. 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.~~

**§ 3-2-43. Renewal of Certification as an Instructor.**

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

4.3.2. 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.

4.3.3. The applicant for renewal must submit the appropriate fee as specified in 3 CSR 6.

**§ 3-2-54. Reciprocity.**

54.1. 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; and has passed an NIC Instructor exam and WV State law exam with at least 80% pass percentage. Provided, that the state in which said applicant is certified extends the same privilege to certified instructors from this state.

**§ 3-2-65. Revocation of Certificate.**

65.1. 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.*

65.2. 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.

**§ 3-2-76. Administrative Due Process.**

76.1. 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.*