



WEST VIRGINIA SECRETARY OF STATE

KRIS WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Barbers And Cosmetologists

RULE TYPE: Legislative

TITLE-SERIES: 3-02

RULE NAME: Qualifications, Training, Examination,
and Certification of Instructors of
Barbering, Hair Styling, Nail Technology,
Aesthetics, Waxing, and Cosmetology

CITE AUTHORITY: §§ 30-27-6 and 30-27-16 et seq

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

Danielle J Cordle -- 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 3
LEGISLATIVE RULE
BOARD OF BARBERS AND COSMETOLOGISTS

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

§ 3-2-1. General.

1.1. Scope. -- This legislative rule establishes the qualifications, training, examination, and certification of instructors in schools of barbering, hair styling, nail technology, aesthetics, waxing, or cosmetology.

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

1.3. Filing Date. -- ~~May 12, 2017.~~

1.4. Effective Date. -- ~~May 12, 2017.~~

1.5. Sunset Provision: This rule shall terminate and have no further force or effect on ~~May 12, 2027~~ August 1, 2036.

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

2.1. An individual seeking certification must:

~~2.1.a.~~ 2.1.1. 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.~~ 2.1.2. Have a high school diploma, GED, or “ability to benefit” test approved by the United States Department of Education;

~~2.1.d.~~ 2.1.3. Have graduated from a recognized school of barbering, hair styling, aesthetics, nail technology, or cosmetology;

~~2.1.e.~~ 2.1.4. Have submitted an application to the Board with the appropriate fees;

~~2.1.f.~~ 2.1.5. Have passed an examination approved by the Board consisting of an NIC Instructor exam, ~~and WV State Law exam~~ with at least an 80% pass percentage; and

~~2.1.g.~~ ~~Submit an application to the Board;~~

~~2.1.h.~~ 2.1.6. Pay applicable certification, examination and registration fees.

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

~~3.1. Continuing education requirements must be completed in order to receive certificate renewal.~~

~~3.2.~~ 3.1. 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~~ cosmetology in the art of teaching.

~~3.3.~~ 3.2. The applicant for renewal must submit the appropriate fee as specified in 3 CSR 6.

§ 3-2-4. ~~Reciprocity~~ Universal Licensure.

~~4.1. 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. An applicant seeking certification as an instructor who holds a valid instructor certification to teach barbering, cosmetology, nail technology, aesthetics, hair styling, or waxing in another state must:~~

4.1.1. Hold a valid instructor certification to teach barbering, cosmetology, nail technology, aesthetics, hair styling, or waxing in another state which was granted after completion of educational requirements required in another state;

4.1.2. Not have charges pending against his or her valid instructor certification to teach and has never had a valid instructor certification revoked;

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

4.1.4. Be at least 18 years of age;

4.1.5. Be a citizen of the United States or is eligible for employment in the United States;

4.1.6. Present a certificate of health issued by a licensed physician; and

4.1.7. Have submitted an application to the Board with the appropriate fees.

§ 3-2-5. Revocation of Certificate.

5.1. The certificate of an instructor in barbering, ~~or beauty culture~~ cosmetology, nail technology, aesthetics, hair styling, or waxing may be revoked or suspended by the Board for any reason specified in W. Va. Code § 30-27-1 *et seq.*

5.2. Any person who is certified as an instructor and his or her certification has been suspended

or revoked may at the discretion of the Board, be entitled to continue to practice barbering, ~~or~~ cosmetology, nail technology, aesthetics, hair styling, or waxing.

§ 3-2-6. Administrative Due Process.

6.1. 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.*