



**STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS**

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December 15, 2011

Stefanie Kuzdrall  
Board of Cosmetic Art Examiners  
1201 Front Street  
Suite 110  
Raleigh, NC 27609

Re: 21 NCAC 14T .0614, .0701

Dear Ms. Kuzdrall:

At its December 15<sup>th</sup>, 2011 meeting the Rules Review Commission objected to the above-captioned rules in accordance with G.S. 150B-21.10.

The Commission objected to Rule .0614 based on Ambiguity. In both items (5) and (6) of this rule there are some general standards that cosmetic arts schools and students must follow. The first concerns performing work services on clients in (5) and the second concerns student conduct in general in (6). Both rules provide that violations of these rules "may result" in some sort of discipline against either the school or the student. The standards to be used in deciding the discipline are unclear since they are not set out in the rule.

The Commission objected to Rule .0701 based on Ambiguity. The rule is unclear as to the teacher-student ratios required under the rule. In (j) the rule requires "one teacher for every 25 enrolled students" in a cosmetic arts school. However the rule in (k) states that the teacher student ratio "may exceed 1:25" for theory or demonstration classes. It is unclear whether the rule in (j) would still require that ratio to be met if the rule in (k) resulted in a need for less than one teacher to every 25 enrolled students.

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Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's action, please let me know.

Sincerely,

A handwritten signature in black ink, reading "Joseph J. DeLuca, Jr." in a cursive style.

Joseph J. DeLuca, Jr.  
Commission Counsel

JJD:jbe

1 21 NCAC 14T .0614 INTERNSHIPS IS PUBLISHED IN NC REGISTER 26:04 AS FOLLOWS:

2  
3 21 NCAC 14T .0614 INTERNSHIPS

4 Schools and cosmetic art shops desiring to implement an internship program shall follow these requirements:

- 5 (1) Schools wishing to participate in an internship program must notify the Board of intent to implement a  
6 program before credit for an internship may be granted. Cosmetic art shops and student selection  
7 criteria must be submitted along with the ~~notification~~ notification;
- 8 (2) Schools shall report to the Board all cosmetic art shops contracted and students selected to participate  
9 in the ~~program~~ program;
- 10 (3) Internships may be arranged in various time frames but shall never exceed 5 percent of a student's  
11 training ~~period~~ period;
- 12 (4) Credit for an internship shall be granted upon submission of student hours verification based on a daily  
13 attendance record. Hours must be recorded on a form approved by the ~~school~~ school;
- 14 (5) Students may be assigned a variety of duties, but client services are restricted. Cosmetology and  
15 natural hair care students may only provide shampoo services, manicurist students may only remove  
16 nail polish and esthetician students may only drape and prep clients. Cosmetic art shop violation of  
17 restrictions or school requirements may result in the termination of the internship contract and the loss  
18 of student training ~~hours~~ hours;
- 19 (6) Students must follow all cosmetic art shop employee rules and regulations. Violations of cosmetic art  
20 shop rules or any misconduct may result in dismissal of the intern or loss of training ~~hours~~ hours;
- 21 (7) A licensed teacher need not be in attendance during this ~~internship~~ internship;
- 22 (8) Students participating in the program shall not receive compensation for duties performed in the  
23 cosmetic art shop.

24  
25 *History Note:* Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;  
26 *Eff. January 1, 2012*

1 21 NCAC 14 T .0701 SCHOOL OPERATIONS/LICENSURE MAINTENANCE IS PUBLISHED IN NC  
2 REGISTER 26:04 AS FOLLOWS WITH CHANGES:

3  
4 SECTION .0700 SCHOOL LICENSURE, OPERATIONS, CLOSING AND RELOCATING SCHOOLS

5  
6 21 NCAC 14 T .0701 SCHOOL OPERATIONS/LICENSURE MAINTENANCE

- 7 (a) No individual shall be given credit for any hours earned in a cosmetic art school before the date the school is granted  
8 a license, before the student is enrolled or after graduation or withdrawal without a new enrollment.
- 9 (b) All Cosmetic Art schools must submit hours of operation per cosmetic art discipline to the Board. Any changes to  
10 the hours of operation must be submitted to the Board. A school will be considered open by the Board when cosmetic art  
11 instruction, services and performances are provided.
- 12 (c) Students can be required to clean and disinfect work areas, reception areas, implements and the dispensary. Students  
13 cannot be required to perform regular maintenance.
- 14 (d) All cosmetic art schools must adhere to all Board sanitation regulations.
- 15 (e) Cosmetic art schools may permit students to visit on campus libraries and other educational resource rooms such as  
16 computer labs for research and study under the supervision of a cosmetic art instructor.
- 17 (f) Cosmetic art schools must use the following grading scale as a minimum for passing grades:

<u>Grade A</u>	<u>100-90</u>
<u>Grade B</u>	<u>80-89</u>
<u>Grade C</u>	<u>70-79</u>
<u>Grade F (Fail)</u>	<u>0-69</u>

- 18  
19 (g) Cosmetic art schools shall not graduate any student that has not met the minimum school and Board requirements for  
20 graduation.
- 21 (h) Examinations shall be administered in all subjects of the cosmetic art curriculum. Students must pass examinations  
22 in all curriculum subjects.
- 23 (i) Students present at school must be supervised by a cosmetic art teacher at all times. If a guest lecturer is leading a  
24 class, at least one cosmetic art teacher must be present in the lecture.
- 25 (j) All cosmetic art schools shall provide one teacher for every 25 enrolled students. At no time can any one teacher be  
26 responsible for students enrolled in both beginner and advanced departments.
- 27 (k) In theory or demonstration classes the student teacher ratio may exceed 1:25.
- 28 (l) During student practical work on live models, on the clinic floor, there must be a ratio of one teacher for every 20  
29 students.
- 30 These ratios shall be adhered to when schools are in operation. Any cosmetic art teacher may be responsible for 25  
31 teacher trainees or up to 25 cosmetic art students and 5 teacher trainees.
- 32 (m) The Board must be notified of changes in teaching staff by written correspondence prior to instruction by the new  
33 teacher. A change in teaching staff includes any substitution for the regularly scheduled teacher and any change,

34 scheduled or otherwise, in the list of teachers last given to the Board. ~~Board's school administrator.~~ All courses in a  
35 cosmetic art school must be taught by a licensed cosmetology teacher, except that manicuring courses may be taught by  
36 either a licensed cosmetology teacher or a licensed manicurist teacher, natural hair care courses may be taught by either a  
37 licensed cosmetology teacher or a licensed natural hair care teacher, and esthetics courses may be taught by either a  
38 licensed cosmetology teacher or a licensed esthetician teacher. A licensed cosmetologist not licensed to teach cosmetic  
39 art may substitute for a cosmetology, esthetician, natural hair care or manicurist teacher; a licensed manicurist not  
40 licensed as a manicurist teacher may substitute for a manicurist teacher; a licensed natural hair care specialist not licensed  
41 as a natural hair care teacher may substitute for a natural hair care teacher; and a licensed esthetician not licensed as an  
42 esthetic teacher may substitute for an esthetician teacher. In no event may any cosmetic art licensee substitution last for  
43 more than 15 consecutive working days per year per teacher. If any teacher substitution is 16 consecutive days or longer,  
44 the school must provide a new cosmetic art teacher.

45 (n) Enrolled students may earn a maximum of 8 hours per day per discipline of cosmetic art and a maximum of 48 hours  
46 per week per discipline. A student enrolled in more than one cosmetic art discipline may not earn hours or performances  
47 concurrently.

48 (o) A cosmetic art student must complete at least 1/3 of the minimum required hours in the cosmetic art school certifying  
49 his or her application for the state board examination.

50 (p) Upon written petition by the student and the school, the Board shall make an exception to the requirements set forth  
51 in section o of this Rule if the student shows that circumstances beyond the student's control prohibited him or her from  
52 completing a minimum of 1/3 hours at the school that certifies his or her application.

53 (q) The Board shall certify student hours for any North Carolina cosmetic art school that is closed. The Board shall not  
54 certify student hours between any North Carolina open cosmetic art schools. The Board shall certify student hours  
55 earned at open North Carolina cosmetic art schools to other state boards and schools open outside of the North Carolina.

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57 *History Note: Authority G.S. 88B-2; 88B-4; 88B-16; 88B-17;*

58 *Eff. January 1, 2012*

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