



NORTH CAROLINA BOARD OF BARBER EXAMINERS

Memo

TO: Board members

FROM: Dennis Seavers

DATE: October 12, 2020

SUBJECT: Rulemaking

At its October 20, 2020 meeting, the board will consider three rule amendments and one rule adoption that the board previously proposed. This memo explains the background of the rulemaking actions and what steps the board needs to take.

Proposed amendments and adoptions

At its June 23, 2020 meeting, the Board proposed three rule amendments and one rule adoption. The public-comments period has ended, and the board has not yet received any public comments. (Please note that the public-comment period ends October 16, and I will forward any of comments we receive by that deadline.)

Two of the rule amendments and the adoption are ready for the board to adopt and file with the Rules Review Commission. Those rules are discussed in this section. However, at its August board meeting, the board decided to take a different approach with online classes, and the related rules are discussed separately in the next section.

All the proposed rules are attached to this memo.

21 NCAC 06F .0128 (adoption)

The board previously adopted a temporary rule that expires in April 2021 and that gives schools flexibility on reporting and other requirements during a state of emergency declared by the governor. This amendment would make permanent the provisions in that temporary rule.

21 NCAC 06N .0102 (amendment)

Currently, individuals who apply for a new barber shop permit must submit a copy of the certificate of occupancy if the shop is new or renovated. As discussed on June 23, this creates a bureaucratic requirement that is not useful to the board. Barber shops must still comply with local regulations for certificates of occupancy, but there is no real value to the board in getting a copy of the certificate. This proposed amendment would eliminate the requirement to submit a certificate of occupancy to the board.

21 NCAC 06N .0111 (amendment)

The board previously adopted a temporary rule that expires in April 2021 and that gives schools additional time to file the monthly reports when there is a state of emergency declared by the governor. This amendment would make permanent the provisions in that temporary rule.

21 NCAC 06F .0124, along with 21 NCAC 06F .0120

The originally proposed amendment to 21 NCAC 06F .0124 would allow online classes (also called distance learning), regardless of whether a state of emergency exists. The board decided not to put any limits on how many hours or which portions of the curriculum could be offered online. The board's thinking was that applicants must pass the practical exam, which would discourage schools from offering all-online classes. In addition, the current temporary rule doesn't restrict the number of hours that can be offered online. However, at its August meeting, the board decided it should consider restricting the hours to certain portions of the curriculum. Mr. Swinney was appointed by the vice chairperson to work on a new proposal.

To reflect the recommendation of the ad hoc committee, the board would need to propose two amendments. I've attached a revised version of Rule .0124 to this memo. I've also attached a new amendment to Rule .0120. The board would need to republish in the North Carolina Register and start the public-comment period. That will allow schools and other interested parties to offer comments on this new approach.

If the board doesn't want to republish the rule, it can file the originally proposed rule with the Rules Review Commission.

Upcoming steps

- For rules related to online classes:
 - The board must decide whether to propose the amendments.
 - I will file the rules for publication in the North Carolina Register.
 - After a public-comment period, the rules will come back to the board for adoption or other action.
- For the remaining rules:
 - The board must decide whether to adopt and amend the rules.

- I will file the rules for consideration by the Rules Review Commission at its November 19, 2020 meeting.
- If approved, the rules will go into effect on December 1, 2020.

1 21 NCAC 06F .0128 is proposed for adoption as follows:

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3 **21 NCAC 06F .0128 WAIVER OF REQUIREMENTS DURING DISASTER OR EMERGENCY**

4 (a) If the Governor declares a state of emergency, the following exceptions shall apply to barber schools and students:

5 (1) Schools shall maintain a monthly record of the subject matter taught to the student in theory classes,
6 the requirement in Rule .0110(4) of this Subchapter for a weekly record notwithstanding.

7 (2) Schools shall provide to the Board the list of students required by G.S. 86A-22(5) by the last day of
8 each month, the requirement in Rule .0110(6) of this Subchapter for schools to submit the list by
9 the 15th of each month notwithstanding.

10 (3) Within 60 days of the date on which any student completes his or her course of study, drops out of
11 school, or transfers to another school, the barber school shall return the student permit to the Board,
12 the requirement in Rule .0113(d) of this Subchapter to return the student permit within five business
13 days notwithstanding.

14 (4) Students shall not be required to meet the requirements in Rule .0122 of this Subchapter if the
15 students are attending online classes.

16 (5) No student shall be given credit for more than 10 total hours during any instruction day, the
17 restriction to eight hours in Rule .0124(a) of this Subchapter notwithstanding.

18 (6) The restrictions on off-campus hours in Rule .0124(c) of this Subchapter shall not apply to hours
19 that students receive during a state of emergency.

20 (7) Schools shall not be required to revise the handbooks required by Rule .0125 of this Subchapter to
21 reflect the exceptions listed in this Rule.

22 (b) The exceptions in this Rule shall only apply through the duration of the state of emergency.

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24 *Authority G.S. 86A-22*

1 21 NCAC 06N .0102 is proposed for amendment as follows:

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3 **21 NCAC 06N .0102 FORM BAR-1**

4 (a) The Form BAR-1 shall be filed when one applies to open or manage a new barber shop. It requests the following:

5 (1) the name and address of the shop;

6 (2) the name, address, and certificate number of the manager;

7 (3) the name and address of the shop owner;

8 (4) the physical dimensions of the shop;

9 ~~(5) for a new or renovated shop, a copy of the certificate of occupancy;~~

10 ~~(6)~~(5) the shop business hours;

11 ~~(7)~~(6) the type of fixtures installed; and

12 ~~(8)~~(7) the date the shop will be ready for inspection.

13 (b) The fee required by Rule .0101(a)(19) of this Section shall accompany this form.

14 (c) The Form BAR-1 shall be notarized.

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16 *Authority G.S. 86A-1; 86A-13; 86A-15; 86A-25; 150B-11*

1 21 NCAC 06N .0111 is proposed for amendment as follows:

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3 **21 NCAC 06N .0111 FORM BAR-10**

4 (a) The Form BAR-10 is a report that shall be filed monthly by the manager of the school for each student enrolled
5 in barber school. It requires the following:

- 6 (1) the name of the school submitting the report;
- 7 (2) the name and date of enrollment of the student;
- 8 (3) the month and year for which the report is filed;
- 9 (4) the dates and hours of the student's absences;
- 10 (5) the dates and hours of the student's attendance;
- 11 (6) the number of patrons served for clinical services; and
- 12 (7) the subject matter covered in practical and theory courses.

13 (b) The Form BAR-10 shall be submitted to the Board over the signature of the manager of the school and co-signed
14 by the student.

15 (c) ~~The Form BAR-10 shall be returned to the Board within five business days of the date on which~~ If a student
16 completes his or her course of study, drops out of school, or transfers to another ~~school~~ school, the barber school shall
17 return the Form BAR-10 to the Board:

- 18 (1) within five business days; or
- 19 (2) within 30 days if the student's enrollment ends during the effective period of a state of emergency
20 declared by the Governor.

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22 *Authority G.S. 86A-22*

1 21 NCAC 06F .0120 is proposed for amendment as follows:

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3 **21 NCAC 06F .0120 BARBER SCHOOL CURRICULA**

4 (a) The following categories and courses shall comprise the minimum course work for all students at barber schools:

5 Hours

6 Classroom Lecture and Study Periods:

7 Hygiene and Good Grooming, Professional Ethics 25

8 Bacteriology, Sterilization, Sanitation 50

9 Implements, Honing, Stropping, and Shaving 30

10 Men's Haircutting 20

11 Cutting and Styling Curly Hair, Mustaches, and Beards 10

12 Shampooing and Rinsing, Scalp and Hair Treatments 10

13 Theory of Massage and Facial Treatments 5

14 Men's Razor Cutting, Women's Razor, and Shear Cutting 30

15 Finger Waving Men's Hair, Air Waving, and Curling Iron Techniques 5

16 Permanent Waving For Men, Chemical Hair Relaxing, and Blow Drying 25

17 Hair Coloring 10

18 Men's Hair Pieces 5

19 The Skin, Scalp, and Hair 30

20 Disorders of the Skin, Scalp, and Hair 15

21 Anatomy and Physiology 10

22 Electricity Therapy, Light Therapy, and Chemistry 10

23 Barber Styling, Shop Management, and Product Knowledge 70

24 Licensing Laws and Rules and History of Barbering 20

25

26 Supervised Practice in Barbering:

27 Shampooing and Scientific Hair and Scalp Treatments 55

28 Shaving 50

29 Tapered Hair Cutting 250

30 Hair Styling of Men and Women 400

31 Facials, Massages, and Packs 10

32 Bleaching, Frosting, Hair Coloring, and Body Permanents 90

33 Cutting and Fitting Hair Pieces 5

34 Hair Straightening 5

35 The Analyzing and Treatment of Hair and Skin Disorders 10

36

37 Lectures and Demonstrations on Practical Work:

1	Shampooing and Scientific Hair and Scalp Treatments	15
2	Shaving	20
3	Tapered Hair Cutting	70
4	Hair Styling of Men and Women	100
5	Facials, Massages, and Packs	5
6	Bleaching, Frosting, Hair Coloring, and Permanent Waving	30
7	Cutting and Fitting Hair Pieces	5
8	Hair Straightening	3
9	The Analyzing and Treating of Hair and Skin Disorders	10
10	Men's and Women's Razor Cutting	15
11		
12		Total Hours 1528

13
14 (b) Barber schools shall offer no more than the following hours through online classes based on the curriculum set
15 forth in Paragraph (a) of this Rule:

16		<u>Hours</u>
17	<u>Classroom Lecture and Study Periods:</u>	<u>380</u>
18		
19	<u>Supervised Practice in Barbering:</u>	
20	<u>Tapered Hair Cutting</u>	<u>25</u>
21	<u>Hair Styling of Men and Women</u>	<u>34</u>
22	<u>Bleaching, Frosting, Hair Coloring, and Body Permanents</u>	<u>35</u>
23		
24	<u>Lectures and Demonstrations on Practical Work:</u>	
25	<u>Shampooing and Scientific Hair and Scalp Treatments</u>	<u>8</u>
26	<u>Shaving</u>	<u>5</u>
27	<u>Tapered Hair Cutting</u>	<u>20</u>
28	<u>Hair Styling of Men and Women</u>	<u>50</u>
29	<u>Bleaching, Frosting, Hair Coloring, and Permanent Waving</u>	<u>5</u>
30	<u>The Analyzing and Treating of Hair and Skin Disorders</u>	<u>7</u>
31	<u>Men's and Women's Razor Cutting</u>	<u>7</u>
32		
33		<u>Total Online Hours 576</u>

34
35 ~~(b)~~(c) All barber schools shall use course books and training materials specifically created for the purpose of teaching
36 barbering skills. Unless the course book or training material has separate and distinct sections covering the practice of
37 barbering, cosmetology course books and training materials are not acceptable.

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2 *Authority G.S. 86A-22(1); 86A-22(4)*

1 21 NCAC 06F .0124 is proposed for amendment as follows:

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3 **21 NCAC 06F .0124 STUDENT HOURS**

4 (a) No student shall be given credit for more than eight total hours during any instruction day.

5 (b) Students shall record their start time by electronic means upon entering the school for practical or theory hours.

6 Students shall not record any period of break from instruction, even if remaining on school premises.

7 (c) In meeting the minimum course work and designated barber school curricula required by Rule .0120 of this

8 Section, no student shall be given credit for more than eight hours per month and 40 hours for the duration of

9 enrollment in the school that were obtained by instruction or demonstration off school premises or from a field ~~trip~~.

10 trip, except for hours received through online classes allowed under Rule .0120(b) of this Subchapter.

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12 *Authority G.S. 86A-22*