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TO: Members of the State Board of Education
FROM: Karen B. Salmon, Ph.D. *KBS/llw*
DATE: October 25, 2016
SUBJECT: COMAR 13A.04.19 *Program in Cosmetology* (AMEND)
PERMISSION TO PUBLISH

PURPOSE:

The purpose of this item is to request publication of amendments to the Program in Cosmetology regulation COMAR 13A.04.19.

BACKGROUND/HISTORICAL PERSPECTIVE:

The Program in Cosmetology operates under regulations from the Department of Labor, Licensing and Regulation's State Board of Cosmetology as well as the Maryland State Department of Education's (MSDE's) regulations for secondary teachers. Thus, the proposed amendments are to align COMAR 13A.04.19 to regulations from the State Board of Cosmetology to MSDE's regulations and to update language.

SUMMARY:

The Maryland State Department of Education proposes the following amendments to this regulation:

- 1) Eliminate subsection .03 because the State Board of Cosmetology no longer offers a Makeup Artist license; then, reorder the subsequent subsections;
- 2) Update the name of the *Division of Career Technology and Adult Learning* to the *Division of Career and College Readiness*;
- 3) Clarify that students' work-study is conducted under a work-based learning agreement with the school;
- 4) Clarify that the school—not MSDE—is responsible for submitting certifying documentation to the State Board of Cosmetology;
- 5) Update the names of student organizations cited in the regulations; and
- 6) Update the reference of the teacher certification from COMAR *13A.12.02.47* to *13A12.02.15*.

ACTION:

I am requesting that the State Board grant permission to publish amendments to COMAR 13A.04.19.

KBS:lg

Attachment: Amended COMAR 13A.04.19

Title 13A STATE BOARD OF EDUCATION

Subtitle 04 SPECIFIC SUBJECTS

Chapter 19 Program in Cosmetology

Authority: Business Occupations and Professions Article, §§5-301—5-305, 5-509, 5-523, and 5-608, Annotated Code of Maryland

.01 Program Approval.

A. A cosmetology program in a public school that possesses a school permit issued by the State Board of Cosmetologists, that was valid as of June 30, 1991, shall be considered an approved cosmetology program by the State Department of Education.

B. To obtain approval for a cosmetology program after June 30, 1991, a local school system shall apply to the State Department of Education on a form provided by the Department. The proposal for approval of a cosmetology program shall meet all the requirements in Regulations .02—.08 of this chapter.

.02 Program Completer Requirements for Cosmetology Operator.

A. A program of instruction for cosmetology operator shall require a minimum of 1,500 locally determined clock hours of instruction of which:

- (1) 500 hours shall be theory; and
- (2) 1,000 hours shall be demonstration and practical application.

B. The program shall include instruction in each of the following topics with hours as determined by the local school system:

- (1) Careers in cosmetology;
- (2) Personal development;
- (3) Bacteriology, sterilization, and sanitation;
- (4) Fundamentals of rinsing and conditioning;
- (5) Fundamentals of fingerwaving and hairstyling;
- (6) Fundamentals of scalp massage and scalp care services;
- (7) Care and styling of artificial hair;
- (8) Fundamentals and techniques of hair cutting;
- (9) Fundamentals and techniques of chemical reformation;

(10) Fundamentals and techniques of thermal pressing and curling;

(11) Fundamentals and techniques of hair coloring;

(12) Diseases and disorders of the skin, scalp, nails, and hair;

(13) Facial massage, skin care, and makeup applications;

(14) Fundamentals of hair care services;

(15) Superfluous hair;

(16) Basic manicuring and pedicuring;

(17) Anatomy in beauty culture;

(18) Chemistry for cosmetologists;

(19) Histology;

(20) Electricity and the cosmetologist;

(21) Job interviews;

(22) Beauty salon management; and

(23) State laws and regulations.

C. Related Instruction.

(1) Related instruction, not to exceed 300 hours, may apply toward the 1,500-hour requirement when the cosmetology teacher approves hours for documented student participation in any of the following activities:

(a) Organizational activities of the [Vocational Industrial Clubs of America] *Skills USA* which are directly related to the subject of cosmetology;

(b) School-sponsored field trips planned for in the cosmetology curriculum; and

(c) Work-study employment, after successful completion of 1,000 hours of cosmetology operator instruction, which is supervised by a senior cosmetologist[.] *and conducted under a work-based learning agreement with the school.*

(2) The supervisor shall report on all matters concerning the student's progress in work-study employment as described in §C(1)(c) of this regulation to the work-study coordinator, or if none is assigned, to the school's cosmetology teacher.

D. The Cosmetology teacher may certify the student's eligibility for admission to the State licensing examination upon:

(1) Demonstrated competency upon the completion of the required minimum number of hours in the program; and

(2) Certification of successful evaluation of the student's work by the cosmetology teacher.

[.03 Curriculum for Makeup Artist.

A. A program of instruction for makeup artist shall require a minimum of 100 locally determined clock hours of instruction in theory, demonstration, and practical application.

B. The program shall include instruction in each of the following topics with hours as determined by the local school system:

- (1) Personal development;
- (2) Bacteriology, sterilization, and sanitation;
- (3) Fundamentals of facial anatomy;
- (4) Makeup application procedures;
- (5) Professional makeup techniques;
- (6) Corrective makeup techniques;
- (7) Film, fashion, and theater makeup techniques;
- (8) Makeup techniques and special considerations for diversified clients; and
- (9) State laws and regulations.

C. The cosmetology teacher may certify the student's eligibility for State licensing upon:

- (1) Demonstrated competency upon the completion of the required minimum number of hours in the program; and
- (2) Certification of successful evaluation of the student's work by the cosmetology teacher.]

[.04] .03 Curriculum for Nail Technician.

A. The program of instruction for nail technician shall require a minimum of 250 locally determined clock hours of instruction in theory, demonstration, and practical application.

B. The program shall include instruction in each of the following topics with hours as determined by the local school system:

- (1) Career opportunities;
- (2) Personal development;
- (3) Bacteriology, sterilization, and sanitation;
- (4) Structure of the nail;
- (5) Disorders and diseases of the nail;

- (6) Implements, equipment, and supplies;
- (7) Manicuring and pedicuring procedures and techniques;
- (8) Massaging techniques;
- (9) Artificial application procedures;
- (10) Wrapping procedures and techniques;
- (11) Corrections and repairs;
- (12) Anatomy and physiology for the nail technician;
- (13) Basic chemistry for the nail technician;
- (14) Hazardous chemicals and beauty products;
- (15) Electricity;
- (16) First aid; and
- (17) State laws and regulations.

C. The cosmetology teacher may certify the student's eligibility for admission to the State licensing examination upon:

- (1) Demonstrated competency upon completion of the required minimum number of hours in the program; and
- (2) Certification of successful evaluation of the student's work by the cosmetology teacher.

[.05] .04 Work Kit.

Each student shall have a work kit consisting of equipment and supplies, as determined by the teacher, needed to participate in the program. The work kit may be purchased from the school or any salon supplier in the marketplace.

[.06] .05 Student Records.

A. An enrollment record for each student shall be maintained as a permanent record by the school administrator of the building in which the cosmetology program is housed.

B. The student record shall:

- (1) Be updated on a quarterly basis with the grade earned by the student;
- (2) Be updated on a semester basis with the documented instructional hours earned during the student's active participation in the program;
- (3) Support the student's eligibility for admission to the State licensing examination; and

(4) Be [the basis for submitting a certificate of completion, on a form prescribed by the State Department of Education, to the State Board of Cosmetologists.] *used to comply with the testing vendor's process for certifying student training and verifying student experience.*

[.07] .06 Cosmetology Teacher.

A. A cosmetology teacher shall possess a senior cosmetology license and shall meet the teacher certification requirements in COMAR 13A.12.02.[47]15.

B. A cosmetology teacher may not instruct more than 25 students at any one time.

[.08] .07 Sanitation.

A cosmetology program shall comply with the sanitation requirements established by the State Board of Cosmetologists in COMAR 09.22.03.

[.09] .08 Denial, Suspension, and Revocation of Approval.

A. Grounds. The State Board of Education may deny, suspend, or revoke approval of a cosmetology program if the program:

- (1) Fails to meet the standards established in Regulations .02—.08 of this chapter;
- (2) Is cited by the State Board of Cosmetologists, after a hearing, for one or more sanitation violations that are a direct hazard to a client's health or safety;
- (3) Fails to pay a fine imposed by the State Board of Cosmetologists, after a hearing for a sanitation violation, within 30 days; or
- (4) Permits a student to practice cosmetology in violation of Business Occupations and Professions Article, §§5-302 and 5-303, Annotated Code of Maryland.

B. Decision.

(1) The Assistant State Superintendent for the Division of Career [Technology and Adult Learning] *and College Readiness* shall make a recommendation to the State Board of Education to deny, suspend, or revoke approval of a cosmetology program, stating the basis for the recommendation in writing. A copy of the recommendation shall be provided to the local school system.

(2) The local school system may file objections in response to the recommendation. The objections shall be filed with the State Board of Education within 30 days of receipt of the recommendation.

(3) The State Board of Education shall make the final decision. A copy of the decision shall be promptly delivered or mailed to the local school system.

C. Reinstatement. The State Department of Education may reinstate approval of a cosmetology program for which approval has been revoked if the local school system:

- (1) Applies for reinstatement of approval in accordance with Regulation .01B of this chapter; and
- (2) Provides adequate evidence that the cosmetology program:

- (a) Has cured the deficiencies which were the basis for revocation, and
- (b) Meets the standards established in Regulations .02—.08 of this chapter.

Administrative History

Effective date: August 3, 1992 (19:15 Md. R. 1392)

Regulation .01A amended effective September 12, 1994 (21:18 Md. R. 1511)

Regulation .03 amended effective August 2, 1993 (20:15 Md. R. 1220)

Regulation .04 amended effective August 2, 1993 (20:15 Md. R. 1220); March 26, 2007 (34:6 Md. R. 628)

Regulation .09B amended effective September 12, 1994 (21:18 Md. R. 1511)