

# Emergency Rules

## Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

### Division 2085—Board of Cosmetology and Barber Examiners

#### Chapter 12—Schools and Student Rules—Barber and Cosmetology

#### EMERGENCY AMENDMENT

**20 CSR 2085-12.010 General Rules and Application Requirements for All Schools.** The board is proposing to add new subsections (1)(A), (1)(B), and (12)(D) and new paragraph (2)(K)3. and amend sections (1) and (3) and paragraphs (2)(K)1. and (2)(K)2.

*PURPOSE:* This rule is being amended to comply with section 600.9 of the Code of Federal Regulations.

*EMERGENCY STATEMENT:* On July 1, 2015, section 34 CFR 600.9 will become effective, which will require any Missouri cosmetology and barber school wishing to receive federal funding to be approved by the Missouri Board of Cosmetology and Barber Examiners (board) as a post-secondary institution. The proposed changes to the regulations create a process for a school (should a school wish to apply) to be approved as a post-secondary institution. Should a school fail to demonstrate compliance by the required federal deadline, Missouri cosmetology and barber schools will no longer be eligible to accept federal funding for student tuition payments. Immediate adoption of this rule will enable the board to initiate the process for an application and grant the board the necessary review time to ensure all necessary documentation required for proof of compliance is received by Missouri barbering and cosmetology schools and universities prior to the July 1, 2015, deadline.

The board, recognizing the potential changes that were being proposed in 34 CFR 600.9, began discussing the federal regulations in open session meetings with interested schools, universities, and cosmetology associations. These meetings discussed options for compliance and proposed amendments and were held in July, September, and November 2013; continued in April and October 2014; and concluded in January 2015. As there were no previous requirements for this proof of compliance for cosmetology and barber schools, the board also initiated conference calls and email communications with the United States Department of Education (USDOE) for fact finding. As a result of such communications, the board voted to approve proposed amendment drafts in open session during the September 29–30, 2013, board meeting. By working alongside the USDOE, the board, on December 23, 2013, was allowed to submit the proposed amendment drafts for review and approval by the USDOE to ensure the amendments met all compliance requirements. The board received final approval from the USDOE on the proposed amendment drafts on March 24, 2015. Based on the potential implications and effects of noncompliance with 34 CFR 600.9, on Missouri cosmetology and barber schools and their students, the board is submitting the proposed amendments through the emergency rulemaking process.

This emergency amendment is necessary to allow the board to implement the amendments which meet the requirements of 34 CFR 600.9. While the criteria outlined is subject to the discretion of schools or universities to determine if they wish to apply under the new requirements, schools or universities that do want to apply will need time to comply before the deadline of July 1, 2015.

For these reasons, this emergency amendment is necessary for the compelling governmental interest of enabling Missouri barbering and cosmetology schools and universities and the board to issue required documents for compliance to obtain federal funding and financial aid for qualified Missouri barbering and cosmetology schools and universities through the outlined approval process. Based on the forego-

ing, the Department of Insurance, Financial Institutions and Professional Registration, Division of Professional Registration, hereby finds an immediate danger to the public health, safety, and welfare and a compelling governmental interest which requires emergency action. The scope of this emergency amendment is limited to the conditions creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The board believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed May 28, 2015, becomes effective June 7, 2015, and expires February 25, 2016.

(1) To operate a barber or cosmetology school in Missouri, **including a postsecondary or secondary barber or cosmetology school**, an applicant shall submit an application and applicable fee to the board at least sixty (60) days prior to the anticipated opening date of that facility. Applications to open a school shall be made on the forms provided by the board and may be obtained by writing the board at PO Box 1062, Jefferson City, MO 65102. The telephone number is (573) 751-0805 or (866) 762-9432, and the TDD number is (800) 735-2966.

(A) As used in these regulations (and in application forms issued by the board), the term “postsecondary” shall mean an institution or school that has certified in its application to the board that it will only enroll individuals who meet one (1) of the following qualifications: 1) hold a high school diploma; 2) hold a general education development (GED) certification; 3) have completed a home schooling program which meets the requirements of the state in which it occurred and contains at least twelve (12) high school credits; or 4) have provided acceptable proof of a prior enrollment, commencing at any date prior to July 1, 2012, in a Title IV eligible academic program at a Title IV eligible postsecondary institution. With respect to an institution, “Title IV eligible” shall have the meaning given in 34 CFR 600.2 as that regulation existed at the time of such prior enrollment, and, with respect to an academic program, “Title IV eligible” shall have the meaning given in 34 CFR 668.8 as that regulation existed at the time of such prior enrollment the status of being postsecondary is optional, and an applicant may apply to operate a barber or cosmetology school in Missouri without such status.

(B) As used in these regulations (and in application forms issued by the board), the term “secondary” shall mean an institution or school that has certified on its application to the board that it is a public vocational-technical school.

(2) General Application Requirements. The board shall not consider any application to open a school unless it is fully completed, including supporting documents which must be attached to the application, with the applicable fee. The application shall be on a form approved by the board and shall contain the following information:

(K) A copy of the student contract which shall comply with the following:

1. Student contracts submitted and used by barber school applicants must include a notice to the student that no less than one thousand (1,000) hours of training in a licensed school is required for that student to sit for the state barber examination; *and*

2. Student contracts submitted and used by cosmetology school applicants must include a notice to the student that no less than one thousand five hundred (1,500) hours of training in a licensed school or no less than one thousand two hundred twenty (1,220) hours of training in a licensed public vocational-technical school are required for cosmetology, and no less than four hundred (400) hours of training in any licensed school are required for manicuring and no less than seven hundred fifty (750) hours training in any licensed school are required for estheticians for that student to be eligible to sit for the board examination; **and**

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3. A copy of the school's student enrollment form or application, which, for a postsecondary school, shall require the student applicant to indicate whether he/she holds a high school diploma; holds a general education development (GED) certification; has completed a home schooling program meeting the requirements of the state in which it occurred and has provided to the board a written notarized statement from his/her principal instructor demonstrating completion of at least twelve (12) high school credits; or has provided to the cosmetology school proof of a prior enrollment, commencing at any date prior to July 1, 2012, at a Title IV eligible postsecondary institution in a Title IV eligible academic program;

(3) Application Approval. Upon receipt of a properly completed application, the board, within a reasonable time, will arrange an appointment at the next regularly scheduled meeting of the board to discuss the proposed school provided, however, the application is received by the board no less than fourteen (14) days before the next meeting. If the application is received less than fourteen (14) days before the next meeting, then an appointment will be scheduled at the following meeting to discuss the proposed school. **If the applicant has applied for the optional status of postsecondary institution, and has met the requirements of section (2) of 20 CSR 2085-12.010, and if the board decides to grant an initial or renewal license, the license shall designate the school as being authorized to operate as a postsecondary school of cosmetology and/or barbering. If the applicant has applied for the optional status of secondary institution, and has met the requirements of section (2) of 20 CSR 2085-12.010, and if the board decides to grant an initial or renewal license, the license shall designate the school as being authorized to operate as a secondary school of cosmetology and/or barbering.**

(12) Minimum Standards for Accountability.

**(D) The school shall include in its catalog and on its website information on how students may present complaints to the board, including the mailing address, telephone number, and website of the board.**

*AUTHORITY: sections 328.090, 328.120, 329.025, and 329.040, RSMo Supp. 2013. Original rule filed Aug. 10, 2007, effective Feb. 29, 2008. Amended: Filed April 8, 2009, effective Oct. 30, 2009. Amended: Filed Sept. 13, 2013, effective Feb. 28, 2014. Emergency amendment filed May 28, 2015, effective June 7, 2015, expires Feb. 25, 2016. An emergency amendment and a proposed amendment covering this same material will be published in the July 1, 2015, issue of the Missouri Register.*