

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 250 Department or Agency Board of Cosmetology  
Rule No. 250-X-5-.06 (2,12,13,14)  
Rule Title: General Rules for Schools  
 New  Amend  Repeal  Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? N/A

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

\*\*\*\*\*


Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

\*\*\*\*\*

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

  
\_\_\_\_\_  
Bob McKee, Executive Director

Date December 5, 2012

(DATE FILED)  
(STAMP)

**ALABAMA BOARD OF COSMETOLOGY**

**NOTICE OF INTENDED ACTION**

AGENCY NAME: Board of Cosmetology

RULE NO. & TITLE: 250-X-5-.06 General Rules for Schools (2,12,13,14

INTENDED ACTION: To amend this rule.


SUBSTANCE OF PROPOSED ACTION: To delete restrictions on student transfers and reenrolling in school. To clarify requirements for instructors to submit student completion records and provide a penalty for failure to submit on a timely basis.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Interested persons may present comments in writing at any time during the thirty-five (35) day period following publication of this notice to Bob McKee, Executive Director of the Alabama Board of Cosmetology, 100 North Union St., Suite 320, Montgomery, AL 36130-1750. Comments may be presented in person or orally to the Executive Director at the above address on Friday, February 8, 2013 at 10:00 AM. Requests for comments in person must be submitted in writing in advance. Copies of proposed rule changes are available at the Executive Director's office at 334-242-1918.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: February 8, 2013

CONTACT PERSON AT AGENCY:

  
Bob McKee, Executive Director  
Alabama Board of Cosmetology  
RSA Union Building  
100 North Union St., Suite 320  
Montgomery, AL 36130-1750

## **250-X-5-06 General Rules for Schools**

- (1) Student enrolment records must be received by the Board within thirty (30) ~~seven (7)~~ days after students enroll. Any hours earned before the Board receives proper enrolment forms will not be credited.
- (2) All schools must keep a record of daily attendance, daily, monthly and cumulative totals of hours earned by students, and furnish the Board a certified copy of hours within thirty (30) days after students finish training or leave school. Programs reporting by clock hours must comply with recording rules provided in this paragraph and also furnish the Board an official transcript within thirty (30) days after students finish program or leave school.
- (3) Schools are not allowed to promise students guaranteed employment after completion of training
- (4) No student may be called from theory class to perform service for the public.
- (5) Any demonstration of new processes or products to students must be made in the presence of instructors on staff at the school.
- (6) No school may prepare food for resale.
- (7) No school may charge public for student services before students complete 15% of their training.
- (8) No school may pay a student, instructor trainee or instructor for service performed on the public.
- (9) All schools must hold both written and practical examinations on a regular basis, including content of Board law and regulations.
- (10) No school may prohibit ~~a member of the Board or~~ an authorized representative of the Board from conducting an inspection of the school premises, personnel or student records at any time during regular business hours.
- (11) Schools are allowed to set their own rules for absenteeism and tardiness.
- (12) Within 90 days after ~~When~~ students complete appropriate hours of training, schools must submit a record of completion form certifying students for examinations. Schools which fail to properly submit certification will be in violation of board rules and subject to a fine as provided in the Code of AL, 1975, §34-7A-15(2)(c).
- (13) Students must become licensed with the Board within two (2) years after completing prescribed training hours or any required additional training. Students not licensed within

this time must complete 375 hours of training in the appropriate school ~~return to school and repeat the appropriate hours of training~~ before being eligible for examination.

~~(14) Students having training interrupted by service in the United States military may reenroll in school within one year after completion of their tours of duty and get credit for previous hours earned.~~

~~(15)~~**(14)** No student may be enrolled in more than one school at the same time.

~~(16)~~**(15)** Schools may use students to perform services for the public for a fee and advertise for such services provided that:

(A) Any advertisement states in bold legible print that students are performing the services; and

(B) In all areas where students are performing services for the public, legible signs of appropriate size must be posted notifying public that students are being used to perform services.

**Author:** Bob McKee

**Statutory Authority:** *Code of AL 1975, § 34-7A-3(d)*

**History: Amended:** Filed December 3, 2013 **Effective:**