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Sequence Number: 10-15-16
 Notice ID(s): 2620-2621
 File Date: 10/20/16

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Tennessee Board of Cosmetology and Barber Examiners
Division:	Regulatory Boards
Contact Person:	Laura E. Martin, Assistant General Counsel
Address:	500 James Robertson Parkway, Nashville, TN 37243
Phone:	6157413072
Email:	Laura.Martin@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Don Coleman
Address:	500 James Robertson Parkway, Nashville, TN 37243
Phone:	615-741-6500
Email:	Don.Coleman@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Davy Crockett Tower- Room 1A		
Address 2:	500 James Robertson Parkway		
City:	Nashville, TN		
Zip:	37243		
Hearing Date :	12/12/16		
Hearing Time:	10:00 am	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0440-01	Licensing
Rule Number	Rule Title
0440-01-.03	Curriculum
0440-01-.05	Requirements for Schools

0440-01-.06	Enrollment of Students
0440-01-.11	Teacher Training Programs

Chapter Number	Chapter Title
0200-01	Rules of the Barber Board
Rule Number	Rule Title
0200-01-.02	Curriculum
0200-01-.13	License Qualifications Programs
0200-01-.14	Teacher Training Programs

Chapter 0440-01
Licensing

Amendments

Rule 0440-01-.03(5) Curriculum is amended by deleting the subparagraph and replacing with the following language, so that as amended the subparagraph shall read:

- (5) Any person holding a valid Tennessee Master Barber certification may appear before the board and request to sit for the Cosmetology Exam. The board may approve the applicant to test if they:
 - (a) Complete three hundred (300) cosmetology school hours at a licensed cosmetology school learning the fundamentals of cosmetology technique and pedicuring. This student will be given credit for the remaining twelve (1200) hundred hours required to obtain a Tennessee cosmetology license upon finishing the required 300 hours in a cosmetology school; or
 - (b) Held a master barber registration in Tennessee or another jurisdiction with reciprocity with Tennessee for five (5) continuous years.

Rule 0440-01-.05 Requirements for Schools is amended by deleting the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

- (1) Every school of cosmetology shall:
 - (a) Publish readily available and clearly expressed admission policies and requirements;
 - (b) Provide to prospective students (before enrollment) published materials which explain requirements for licensure as a cosmetologist, manicurist, instructor, shampoo technician, natural hair stylist, or aesthetician in the State of Tennessee; however, if a school is licensed to provide instruction solely in natural hair styling, manicuring or aesthetics, the school shall only be responsible for providing documentation relative to licensure in the field in which the school provides instruction.
 - (c) Give a receipt to any student from whom money is collected by authorized school personnel; and
 - (d) Submit to the office of the Board, on the prescribed form, a monthly progress report on each student enrolled. The monthly reports must be received no later than the tenth (10th) of each month for the previous month's hours of instruction. If reports are not submitted by this date, a penalty set by the Board will be issued for violation of this rule.
 - (e) Teach a minimum ten percent (10%) of theory hours each week in each curriculum offered in a school. This requirement does not apply to students enrolled in an apprenticeship program authorized by this chapter.
- (2) Applications to operate New Schools: Any person seeking licensure of a new school shall first pay the fee for licensure and submit to the board the following:
 - (a) A copy of the school's curriculum to be deemed acceptable by the board;
 - (b) A sample copy of the school's catalog, brochure, enrollment agreement, and cancellation and refund policies;
 - (c) A backup method for logging hours that have been earned by students; and
 - (d) A plan to keep all part time and full time student files separate.
- (3) Transfers, Cancellations and Refunds

- (a) The school shall maintain documentation that the refunds owed to students are issued within 45 days of the last day of the student's attendance.
 - (b) The school shall have a written policy that clearly defines how the school determines whether or not credit hours will be accepted from another institution. This policy shall apply to all students. Nothing in this rule shall require a school to accept credit hours from another institution except as provided in the school's policy.
 - (c) The school shall provide each student with a written policy of a teach-out program, or outline the student's options in the event the school closes for an extended period of time, such as by way of license revocation, natural disaster, or other unforeseen consequences. Schools are encouraged to partner with neighboring institutions to achieve the best outcome for students.
- (4) The school shall keep a copy of all tests, evaluations, or progress reports in the student's file. The student must initial any evaluation or progress reports.
- (5) Upon yearly renewal of license to operate the school shall submit a Board approved form disclosing changes to student enrollment agreements, or other school changes affecting students

Authority: T.C.A §§ 62-4-105(e), 62-4-120 and 62-4-122.

Rule 0440-01-.06 Enrollment of Students is amended by deleting the rule and substituting the following language so that, as amended, the rule shall read:

- (1) Every licensed school of cosmetology shall maintain documentation of age and education in each student's file, which evidences eligibility for enrollment under the terms of Tenn. Code Ann. § 62-4-122(a).
- (2) Every enrollment of a student in a school of cosmetology shall be evidenced by a written enrollment agreement which clearly details the rights and obligations of both parties.
- (3) The school shall:
 - (a) furnish to the student an executed copy of the enrollment agreement;
 - (b) maintain a copy of the agreement in the student's file; and
 - (c) keep copies of all receipts and payments the student has made or received in the student's files.
- (4) Every student enrollment agreement shall:
 - (a) be signed and dated by the student and an authorized representative of the school;
 - (b) specify the number of clock hours in the course of instruction and an approximate number of weeks or months required for completion;
 - (c) identify all costs and charges which the student must bear;
 - (d) indicate any grounds for termination of a student by the school;
 - (e) state in clear and understandable language the school's refund policy;
 - (f) list any special conditions or requirements for graduation;
 - (g) contain an acknowledgment that the student has read and understands the agreement before making any payment thereunder;
 - (h) include the school's discrimination and anti-harassment policy;
 - (i) include page numbers on each page and be initialed by the student on each page; and

- (j) contain a clearly defined policy on how the school will maintain sanitary code requirements and the student's role in maintaining those requirements, which must be based on the curriculum and industry practices; and
 - (k) contain an initialed acknowledgement by the student that the student has received a full and true copy of the student enrollment agreement for their own personal records.
- (5) For students enrolling in teaching programs, the file shall contain documentation that the school notified the enrollee in writing that an applicant for an instructor's license must have been licensed for three (3) continuous years prior to applying for an instructor's license, along with any other qualifications that the legislature or the Board determines.
 - (6) All application information, including documentation and enrollment agreements required under this rule, shall be included in the student's file and made available for inspection by members or inspectors of the Board during business hours.
 - (7) A student shall be actively enrolled in a licensed school in order to participate in an apprenticeship program.
 - (8) An apprentice program must be completed within 150% of the time allowed for a student to complete a course of study under the school's standard, non-apprenticeship contract agreement.

Authority: T.C.A §§ 62-4-105(e), 62-4-120 and 62-4-122.

Rule 0440-01-.11(2) Teacher Training Programs is amended by adding subparagraph (f) so that, as amended, the paragraph shall read:

- (2) The applicant shall demonstrate to the satisfaction of the Board that the teacher training program submitted for approval will:
 - (a) contain at least sixteen (16) hours of actual instruction;
 - (b) emphasize teaching methodology for its entire duration;
 - (c) restrict the size of classes sufficiently to ensure adequate attention to all participants;
 - (d) proceed for not more than two (2) hours without a break;
 - (e) prohibit demonstrations or presentations for commercial purposes in classrooms. Training programs may not sell, take orders, or in any way promote a product; and
 - (f) conform to professional standards as determined by the Board. This can be determined by, but not limited to, the following: fraud, unprofessional, immoral or dishonorable conduct, a violation of Tenn. Ann. Code § 62-4 et. seq., or of any rules duly promulgated under this chapter, or failure to comply with a lawful order of the board.

Authority: T.C.A §§ 62-4-105(e) and 62-4-114.

Chapter 0200-01
Rules of the Barber Board

Amendments

Rule 0200-01-.02(4) Curriculum is amended by deleting the paragraph and substituting the following paragraph

so that, as amended, the paragraph shall read:

- (4) Every barber school shall:
- (a) Publish readily available and clearly expressed admission policies and requirements;
 - (b) Provide to prospective students (before enrollment) published materials which explain requirements for licensure as a master barber, barber technician, and barber instructor in the State of Tennessee;
 - (c) Provide each enrolled student with:
 - 1. the school's discrimination and anti-harassment policy;
 - 2. a contract with page numbers for each page and space on each page for the student to initial;
 - 3. a clearly defined policy on how the school will maintain sanitary code requirements and the student's role in maintaining those requirements, which must be based on the curriculum and industry practices; and
 - 4. an initialed acknowledgement by the student that the student has received a full and true copy of the student enrollment agreement for their own personal records.
 - (d) Give a receipt to any student from whom money is collected by authorized school personnel; and
 - (e) Provide the Board with a sample copy of the school's catalog, brochure, enrollment contract, and cancellation and refund policies as a part of their school license application
 - (f) Have a backup method for logging hours that have been earned by students;
 - (g) Keep all part time and full time student files separate
 - (h) Transfers, Cancellations and Refunds
 - 1. The school shall maintain documentation that the refunds owed to students are issued within 40 days of the student's last date of attendance
 - 2. The school shall have a written policy that clearly defines how the school determines whether or not credit hours will be accepted from another institution. This policy shall apply to all students. Provided, however, that nothing in this rule shall require a school to accept credit hours from another institution except as provided in the school's policy.
 - 3. The school shall provide each student with a written policy of a teach out program, or outline the student's options in the event the school closes for an extended period of time, such as by way of license revocation, natural disaster, or other unforeseen consequences. Schools are encouraged to partner with neighboring institutions to achieve the best outcome for students.
 - (i) The school shall keep a copy of all tests, evaluations, or progress reports in the student's file. The student must initial any evaluation or progress reports.
 - (j) Submit to the office of the Board, on the prescribed form, a monthly progress report on each student enrolled. The monthly reports must be received no later than the tenth (10th) of each month for the previous month's hours of instruction. If reports are not submitted by this date, a penalty set by the board will be issued for violation of this rule.
 - (k) Upon yearly renewal of the school license the school shall submit a Board approved form disclosing changes to student enrollment contracts, or other school changes affecting students.

- (l) Notwithstanding any provision to the contrary, any school operated under Tenn. Code Ann. § 62-3-123 may develop courses of instruction and practice incorporating an apprenticeship curriculum, which allows an applicant to obtain fifty percent (50%) of the required hours for a specific license through classroom instruction and fifty percent (50%) of the required hours under the direct supervision and responsible charge of a licensed professional who meets the requirements set forth in this rule. Supervision hours received may not be used for credit for more than fifty percent (50%) of the required hours in any instruction subcategory (General, Chemical or Physical).

1. Definitions

- (i) "Apprenticeship student" means a student enrolled in a school participating in an apprenticeship program with the intention of completing the school's curriculum under that school's apprenticeship program.
- (ii) "Supervising licensed professional" means a licensee in the field of study of an enrolled apprenticeship student who is in charge of supervising and accounting for the creditable activities of the student's apprenticeship program and providing the participating school with the student's apprenticeship activity record.
- (l) Any supervising licensed professional in responsible charge as provided in this rule shall have at least ten (10) years of experience as a licensed professional in the field of study in which the supervision is provided and shall hold a certificate of registration as both a master barber and barber instructor issued by the Board. The supervising licensed professional's license must be current at all times while providing supervision.
- (ll) Each supervising licensed professional shall be the responsible charge of no more than one apprenticeship student.
- (iii) "Responsible charge" means a licensed professional in supervision of a student enrolled in an apprenticeship program curriculum, approved by the Board, and responsible for all aspects of that student's apprenticeship instruction.

2. Apprenticeship students shall complete instructional hours and pass the initial theory examination prior to initiating apprenticeship activities in a salon, shop, or establishment. A student shall be actively enrolled in a licensed school in order to participate in an apprenticeship program.

3. Any school offering an apprenticeship curriculum shall maintain a record of all hours completed under the apprenticeship program, including classroom hours, for which credit is awarded in a student's academic file. This record shall include the number of hours completed under direct supervision and responsible charge, the dates these hours were earned, the license number of the professional in responsible charge who directly supervised the student, and the signatures of both the student and the supervising licensed professional in responsible charge.

- (i) The required records shall be maintained in the student's file and made available for inspection during the student's academic career, shall be maintained for a period of not less than seven (7) years after a student is no longer attending the providing school, and shall be made available to the Board immediately upon request during this time.
- (ii) A daily log accounting for all apprenticeship hours awarded under this chapter by any school offering an apprenticeship curriculum shall be maintained by the school and updated monthly. This log shall be made available for inspection at any time.
- (iii) This daily log shall be submitted to the approving school no later than the close

of business of the first (1st) day of the month for the previous month.

- (iv) Should an apprentice change salon, shop, establishment, or supervising licensed professional, a notarized transcript of the total hours accumulated shall be signed by the salon, shop, or establishment owner or manager, along with the supervising licensed professional, and submitted to the approving school within ten (10) days of the change.
4. A participating school shall be responsible for confirming a supervising licensed professional's qualifications to be placed in responsible charge of an apprenticeship student as provided by this rule.
- (i) The participating school providing hours for supervised apprenticeship credit shall maintain documented proof of a supervising licensed professional's experience and a copy of the supervising licensed professional's current, valid Tennessee license. This documentation shall be maintained for a minimum of seven (7) years following the date that the supervising licensed professional last provided supervision for that school.
 - (ii) Apprenticeship experience earned in any jurisdiction other than Tennessee may be considered for purposes of complying with this rule, provided that the supervising licensed professional was appropriately licensed in that jurisdiction at all times when responsible charge was provided for the purpose of earning credit. Proof of the supervising licensed professional's credentials must be provided by the transferring student candidate.
 - (iii) The owner of the business providing the student an apprenticeship shall provide the school with a written acknowledgement accepting the student.
 - (iv) Any salon, shop or establishment participating in an apprenticeship program shall provide a work station for the apprenticeship student.
 - (v) The supervising licensed professional must notify the participating school that the apprentice is no longer under his or her supervision and submit a transcript of all hours completed within ten (10) days of termination of the apprenticeship.
 - (vi) No participating school shall allow any person not appropriately licensed to provide any supervision for purposes of this rule, nor shall any participating school allow credit for hours under the supervision of unlicensed persons.
5. Students enrolled in an apprenticeship program must complete their apprenticeship within one-and-one-half times the length of enrollment under the school's standard full time contract agreement.
6. All students participating in an apprenticeship program in a licensed school must wear attire prescribed by the school and participating shop collectively. The student must wear a name tag identifying the student as an apprenticeship student and identifying the school under which the student is participating in the apprenticeship program.

Authority: T.C.A §§ 62-3-105, 62-3-123, and 62-3-128.

Rule 0200-01-.13 (1) License Qualifications is amended deleting the paragraph and substituting the following language so that, as amended, the paragraph shall read:

(1) Any person holding a valid Tennessee cosmetology license may appear before the board and request to sit for the Master Barber Exam. The board may approve the applicant to test if they:

(a) Complete three hundred (300) barbering school hours at a registered barber college learning the

fundamentals of straight razor shaving and barbering technique. This student will be given credit for the remaining twelve (1200) hundred hours required to obtain a Tennessee master barber certification upon finishing the required three hundred (300) hours in a barber school, or

- (b) Have held their cosmetology license in Tennessee or another Jurisdiction with reciprocity with Tennessee for five continuous years.

Rule 0200-1-.14 (2) Teacher Training Programs is amended by adding subparagraph (f) so that, as amended, the paragraph shall read:

(2) The applicant shall demonstrate to the satisfaction of the board that the teacher training program submitted for approval will:

- (a) contain at least sixteen (16) hours of actual instruction;
- (b) emphasize teaching methodology for its entire duration;
- (c) restrict the size of classes sufficiently to ensure adequate attention to all participants;
- (d) proceed for not more than two (2) hours without a break;
- (e) prohibit demonstrations or presentations for commercial purposes in classrooms. Training programs may not sell, take orders, or in any way promote a product; and,
- (f) conform to professional standards as determined by the Board. This can be determined by, but not limited to, the following: fraud, unprofessional, immoral or dishonorable conduct, a violation of Tenn. Ann. Code § 62-3 et. seq., or of any rules duly promulgated under this chapter, or failure to comply with a lawful order of the Board.

Authority: T.C.A §§ 62-3-124 and 62-3-128

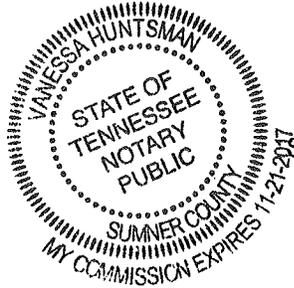
I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 10-20-16

Signature: Laura E. Martin

Name of Officer: Laura E. Martin

Title of Officer: Assistant General Counsel



Subscribed and sworn to before me on: 10-20-16

Notary Public Signature: Vanessa Huntsman

My commission expires on: 11-21-17

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Filed with the Department of State on: 10/20/16

Tre Hargett
Tre Hargett
Secretary of State

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Notice of Rulemaking Hearing {Redline}

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Tennessee Board of Cosmetology and Barber Examiners
Division:	Regulatory Boards
Contact Person:	Laura E. Martin, Assistant General Counsel
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Phone:	615-741-6500
Email:	Don.Coleman@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Davy Crockett Tower –Room 1A		
Address 2:	500 James Robertson Parkway		
City:	Nashville, TN		
Zip:	37243		
Hearing Date :	12/12/2016		
Hearing Time:	10:00 am	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0440-01	Licensing
Rule Number	Rule Title
0440-01-.03	Curriculum
0440-01-.05	Requirements for Schools

0440-01-.06	Enrollment of Students
0440-01-.11	Teacher Training Programs

Chapter Number	Chapter Title
0200-01	Rules of the Barber Board
Rule Number	Rule Title
0200-01-.02	Curriculum
0200-01-.13	License Qualifications Programs
0200-01-.14	Teacher Training Programs

Chapter 0440-01
Licensing

Amendments

Rule 0440-01-.03(5) Curriculum is amended by deleting the subparagraph and replacing with the following language, so that as amended the subparagraph shall read:

~~(5) Any person holding a valid Tennessee barber license will be given credit for seven hundred and fifty (750) clock hours/ 22.5 credit hours toward a Tennessee cosmetology license.~~

~~In order to be eligible for this credit, a barber must be enrolled in a cosmetology school full time, a minimum twenty-five (25) hours per week, not to exceed forty-eight (48) hours per week. After the student has completed the first seven hundred and fifty (750) clock hours/ 22.5 credit hours in a cosmetology school, the Board may apply the second seven hundred and fifty (750) hours/ 22.5 credit hours for the purpose of graduating and being permitted to take the cosmetology examination.~~

(5) Any person holding a valid Tennessee Master Barber certification may appear before the board and request to sit for the Cosmetology Exam. The board may approve the applicant to test if they:

- (a) Complete three hundred (300) cosmetology school hours at a licensed cosmetology school learning the fundamentals of cosmetology technique and pedicuring. This student will be given credit for the remaining twelve (1200) hundred hours required to obtain a Tennessee cosmetology license upon finishing the required 300 hours in a cosmetology school; or
- (b) Held a master barber registration in Tennessee or another jurisdiction with reciprocity with Tennessee for five (5) continuous years.

Rule 0440-01-.05 Requirements for Schools is amended by deleting the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

(1) Every school of cosmetology shall:

- (a) Publish readily available and clearly expressed admission policies and requirements;
- (b) Provide to prospective students (before enrollment) published materials which explain requirements for licensure as a cosmetologist, manicurist, instructor, shampoo technician, natural hair stylist, or aesthetician in the State of Tennessee; however, if a school is licensed to provide instruction solely in natural hair styling, manicuring or aesthetics, the school shall only be responsible for providing documentation relative to licensure in the field in which the school provides instruction.
- (c) Give a receipt to any student from whom money is collected by authorized school personnel; and
- (d) Submit to the office of the Board, on the prescribed form, a monthly progress report on each student enrolled. The monthly reports must be received no later than the tenth (10th) of each month for the previous month's hours of instruction. If reports are not submitted by this date, a penalty set by the Board will be issued for violation of this rule.
- (e) Teach a minimum ten percent (10%) of theory hours each week in each curriculum offered in a school. This requirement does not apply to students enrolled in an apprenticeship program authorized by this chapter.

(2) Applications to operate New Schools: Any person seeking licensure of a new school shall first pay the fee for licensure and submit to the board the following:

- (a) A copy of the school's curriculum to be deemed acceptable by the board;
- (b) A sample copy of the school's catalog, brochure, enrollment agreement, and cancellation and

refund policies;

(c) A backup method for logging hours that have been earned by students; and

(d) A plan to keep all part time and full time student files separate.

(3) Transfers, Cancellations and Refunds

(a) The school shall maintain documentation that the refunds owed to students are issued within 45 days of the last day of the student's attendance.

(b) The school shall have a written policy that clearly defines how the school determines whether or not credit hours will be accepted from another institution. This policy shall apply to all students. Nothing in this rule shall require a school to accept credit hours from another institution except as provided in the school's policy.

(c) The school shall provide each student with a written policy of a teach-out program, or outline the student's options in the event the school closes for an extended period of time, such as by way of license revocation, natural disaster, or other unforeseen consequences. Schools are encouraged to partner with neighboring institutions to achieve the best outcome for students.

(4) The school shall keep a copy of all tests, evaluations, or progress reports in the student's file. The student must initial any evaluation or progress reports.

(5) Upon yearly renewal of license to operate the school shall submit a Board approved form disclosing changes to student enrollment agreements, or other school changes affecting students

Authority: T.C.A §§ 62-4-105(e), 62-4-120 and 62-4-122.

Rule 0440-01-.06 Enrollment of Students is amended by deleting the rule and substituting the the following language so that, as amended, the rule shall read:

(1) Every licensed school of cosmetology shall maintain documentation of age and education in each student's file, which evidences eligibility for enrollment under the terms of Tenn. Code Ann. § 62-4-122(a).

(2) Every enrollment of a student in a school of cosmetology shall be evidenced by a written enrollment agreement which clearly details the rights and obligations of both parties.

(3) The school shall:

(a) furnish to the student an executed copy of the enrollment agreement; and

(b) maintain a copy of the agreement in the student's file; and

(c) keep copies of all receipts and payments the student has made or received in the student's files.

(4) Every student enrollment agreement shall:

(a) be signed and dated by the student and an authorized representative of the school;

(b) specify the number of clock hours in the course of instruction and an approximate number of weeks or months required for completion;

(c) identify all costs and charges which the student must bear;

(d) indicate any grounds for termination of a student by the school;

(e) state in clear and understandable language the school's refund policy;

- (f) list any special conditions or requirements for graduation; and
 - (g) contain an acknowledgment that the student has read and understands the agreement before making any payment thereunder;
 - (h) include the school's discrimination and anti-harassment policy;
 - (i) include page numbers on each page and be initialed by the student on each page; and
 - (j) contain a clearly defined policy on how the school will maintain sanitary code requirements and the student's role in maintaining those requirements, which must be based on the curriculum and industry practices; and
 - (k) contain an initialed acknowledgement by the student that the student has received a full and true copy of the student enrollment agreement for their own personal records.
- (5) For students enrolling in teaching programs, the file shall contain documentation that the school notified the enrollee in writing that an applicant for an instructor's license must have been licensed for three (3) continuous years prior to applying for an instructor's license, along with any other qualifications that the legislature or the Board determines.
- ~~(6)~~(5) All application information, including documentation and enrollment agreements required under this rule, shall be included in the student's file and made available for inspection by members or inspectors of the Board during business hours.
- ~~(7)~~(6) A student shall be actively enrolled in a licensed school in order to participate in an apprenticeship program.
- ~~(8)~~(7) An apprentice program must be completed within 150% of the time allowed for a student to complete a course of study under the school's standard, non-apprenticeship contract agreement.

Authority: T.C.A §§ 62-4-105(e), 62-4-120 and 62-4-122.

Rule 0440-01-.11(2) Teacher Training Programs is amended by adding subparagraph (f) so that, as amended, the paragraph shall read:

- (2) The applicant shall demonstrate to the satisfaction of the Board that the teacher training program submitted for approval will:
- (a) contain at least sixteen (16) hours of actual instruction;
 - (b) emphasize teaching methodology for its entire duration;
 - (c) restrict the size of classes sufficiently to ensure adequate attention to all participants;
 - (d) proceed for not more than two (2) hours without a break;
 - (e) prohibit demonstrations or presentations for commercial purposes in classrooms. Training programs may not sell, take orders, or in any way promote a product; and
 - (f) conform to professional standards as determined by the Board. This can be determined by, but not limited to, the following: fraud, unprofessional, immoral or dishonorable conduct, a violation of Tenn. Ann. Code § 62-4 et. seq., or of any rules duly promulgated under this chapter, or failure to comply with a lawful order of the board.

Authority: T.C.A §§ 62-4-105(e) and 62-4-114.

Chapter 0200-01
Rules of the Barber Board

Amendments

Rule 0200-01-.02(4) Curriculum is amended by deleting the paragraph and substituting the following paragraph so that, as amended, the paragraph shall read:

- (4) Every barber school shall:
- (a) Publish readily available and clearly expressed admission policies and requirements;
 - (b) Provide to prospective students (before enrollment) published materials which explain requirements for licensure as a master barber, barber technician, and barber instructor in the State of Tennessee;
 - (c) Provide each enrolled student with:
 - 1. the school's discrimination and anti-harassment policy;
 - 2. a contract with page numbers for each page and space on each page for the student to initial;
 - 3. a clearly defined policy on how the school will maintain sanitary code requirements and the student's role in maintaining those requirements, which must be based on the curriculum and industry practices; and
 - 4. an initialed acknowledgement by the student that the student has received a full and true copy of the student enrollment agreement for their own personal records.
 - ~~(d)~~(e) Give a receipt to any student from whom money is collected by authorized school personnel; and
 - (e) Provide the Board with a sample copy of the school's catalog, brochure, enrollment contract, and cancellation and refund policies as a part of their school license application
 - (f) Have a backup method for logging hours that have been earned by students;
 - (g) Keep all part time and full time student files separate
 - (h) Transfers, Cancellations and Refunds
 - 1. The school shall maintain documentation that the refunds owed to students are issued within 40 days of the student's last date of attendance
 - 2. The school shall have a written policy that clearly defines how the school determines whether or not credit hours will be accepted from another institution. This policy shall apply to all students. Provided, however, that nothing in this rule shall require a school to accept credit hours from another institution except as provided in the school's policy.
 - 3. The school shall provide each student with a written policy of a teach out program, or outline the student's options in the event the school closes for an extended period of time, such as by way of license revocation, natural disaster, or other unforeseen consequences. Schools are encouraged to partner with neighboring institutions to achieve the best outcome for students.
 - (i) The school shall keep a copy of all tests, evaluations, or progress reports in the student's file. The student must initial any evaluation or progress reports.

- (j)(4) Submit to the office of the Board, on the prescribed form, a monthly progress report on each student enrolled. The monthly reports must be received no later than the tenth (10th) of each month for the previous month's hours of instruction. If reports are not submitted by this date, a penalty set by the board will be issued for violation of this rule.
- (k) Upon yearly renewal of the school license the school shall submit a Board approved form disclosing changes to student enrollment contracts, or other school changes affecting students.
- (l) Notwithstanding any provision to the contrary, any school operated under Tenn. Code Ann. § 62-3-123 may develop courses of instruction and practice incorporating an apprenticeship curriculum, which allows an applicant to obtain fifty percent (50%) of the required hours for a specific license through classroom instruction and fifty percent (50%) of the required hours under the direct supervision and responsible charge of a licensed professional who meets the requirements set forth in this rule. Supervision hours received may not be used for credit for more than fifty percent (50%) of the required hours in any instruction subcategory (General, Chemical or Physical).

1. Definitions

- (i) "Apprenticeship student" means a student enrolled in a school participating in an apprenticeship program with the intention of completing the school's curriculum under that school's apprenticeship program.
 - (ii) "Supervising licensed professional" means a licensee in the field of study of an enrolled apprenticeship student who is in charge of supervising and accounting for the creditable activities of the student's apprenticeship program and providing the participating school with the student's apprenticeship activity record.
 - (I) Any supervising licensed professional in responsible charge as provided in this rule shall have at least ten (10) years of experience as a licensed professional in the field of study in which the supervision is provided and shall hold a certificate of registration as both a master barber and barber instructor issued by the Board. The supervising licensed professional's license must be current at all times while providing supervision.
 - (II) Each supervising licensed professional shall be the responsible charge of no more than one apprenticeship student.
 - (iii) "Responsible charge" means a licensed professional in supervision of a student enrolled in an apprenticeship program curriculum, approved by the Board, and responsible for all aspects of that student's apprenticeship instruction.
2. Apprenticeship students shall complete instructional hours and pass the initial theory examination prior to initiating apprenticeship activities in a salon, shop, or establishment. A student shall be actively enrolled in a licensed school in order to participate in an apprenticeship program.
3. Any school offering an apprenticeship curriculum shall maintain a record of all hours completed under the apprenticeship program, including classroom hours, for which credit is awarded in a student's academic file. This record shall include the number of hours completed under direct supervision and responsible charge, the dates these hours were earned, the license number of the professional in responsible charge who directly supervised the student, and the signatures of both the student and the supervising licensed professional in responsible charge.
- (i) The required records shall be maintained in the student's file and made available for inspection during the student's academic career, shall be maintained for a period of not less than seven (7) years after a student is no longer attending the providing school, and shall be made available to the Board immediately upon

request during this time.

- (ii) A daily log accounting for all apprenticeship hours awarded under this chapter by any school offering an apprenticeship curriculum shall be maintained by the school and updated monthly. This log shall be made available for inspection at any time.
 - (iii) This daily log shall be submitted to the approving school no later than the close of business of the first (1st) day of the month for the previous month.
 - (iv) Should an apprentice change salon, shop, establishment, or supervising licensed professional, a notarized transcript of the total hours accumulated shall be signed by the salon, shop, or establishment owner or manager, along with the supervising licensed professional, and submitted to the approving school within ten (10) days of the change.
4. A participating school shall be responsible for confirming a supervising licensed professional's qualifications to be placed in responsible charge of an apprenticeship student as provided by this rule.
- (i) The participating school providing hours for supervised apprenticeship credit shall maintain documented proof of a supervising licensed professional's experience and a copy of the supervising licensed professional's current, valid Tennessee license. This documentation shall be maintained for a minimum of seven (7) years following the date that the supervising licensed professional last provided supervision for that school.
 - (ii) Apprenticeship experience earned in any jurisdiction other than Tennessee may be considered for purposes of complying with this rule, provided that the supervising licensed professional was appropriately licensed in that jurisdiction at all times when responsible charge was provided for the purpose of earning credit. Proof of the supervising licensed professional's credentials must be provided by the transferring student candidate.
 - (iii) The owner of the business providing the student an apprenticeship shall provide the school with a written acknowledgement accepting the student.
 - (iv) Any salon, shop or establishment participating in an apprenticeship program shall provide a work station for the apprenticeship student.
 - (v) The supervising licensed professional must notify the participating school that the apprentice is no longer under his or her supervision and submit a transcript of all hours completed within ten (10) days of termination of the apprenticeship.
 - (vi) No participating school shall allow any person not appropriately licensed to provide any supervision for purposes of this rule, nor shall any participating school allow credit for hours under the supervision of unlicensed persons.
5. Students enrolled in an apprenticeship program must complete their apprenticeship within one-and-one-half times the length of enrollment under the school's standard full time contract agreement.
6. All students participating in an apprenticeship program in a licensed school must wear attire prescribed by the school and participating shop collectively. The student must wear a name tag identifying the student as an apprenticeship student and identifying the school under which the student is participating in the apprenticeship program.

Authority: T.C.A §§ 62-3-105, 62-3-123, and 62-3-128.

Rule 0200-01-.13 (1) License Qualifications is amended deleting the paragraph and substituting the following language so that, as amended, the paragraph shall read:

~~(1) Any person holding a valid Tennessee cosmetology license will be given credit for seven hundred fifty (750) hours toward obtaining a Tennessee barber license.~~

~~(a) In order to be eligible for the above, a cosmetologist must be enrolled in a barber school full-time, minimum of six (6) hours, maximum of eight (8) per day. After the student has completed their first seven hundred fifty (750) hours in a barber school, the Board will apply the second seven hundred fifty (750) hours for the purpose of graduating and being permitted to take the Master Barber examination.~~

(1) Any person holding a valid Tennessee cosmetology license may appear before the board and request to sit for the Master Barber Exam. The board may approve the applicant to test if they:

(a) Complete three hundred (300) barbering school hours at a registered barber college learning the fundamentals of straight razor shaving and barbering technique. This student will be given credit for the remaining twelve (1200) hundred hours required to obtain a Tennessee master barber certification upon finishing the required three hundred (300) hours in a barber school, or

(b) Have held their cosmetology license in Tennessee or another Jurisdiction with reciprocity with Tennessee for five continuous years.

Rule 0200-1-.14 (2) Teacher Training Programs is amended by adding subparagraph (f) so that, as amended, the paragraph shall read:

(2) The applicant shall demonstrate to the satisfaction of the board that the teacher training program submitted for approval will:

- (a) contain at least sixteen (16) hours of actual instruction;
- (b) emphasize teaching methodology for its entire duration;
- (c) restrict the size of classes sufficiently to ensure adequate attention to all participants;
- (d) proceed for not more than two (2) hours without a break; and
- (e) prohibit demonstrations or presentations for commercial purposes in classrooms. Training programs may not sell, take orders, or in any way promote a product; and,
- (f) conform to professional standards as determined by the Board. This can be determined by, but not limited to, the following: fraud, unprofessional, immoral or dishonorable conduct, a violation of Tenn. Ann. Code § 62-3 et. seq., or of any rules duly promulgated under this chapter, or failure to comply with a lawful order of the Board.

Authority: T.C.A §§ 62-3-124 and 62-3-128