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CHAPTER 715

HIGHER EDUCATION COORDINATING COMMISSION

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FILING CAPTION: Cosmetology curriculum updates to include proficiency based school standards

EFFECTIVE DATE: 01/08/2019

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RULES:

715-045-0200, 715-045-0220

AMEND: 715-045-0200

RULE TITLE: Barbering, Hair Design, Esthetics, and Nail Technology

NOTICE FILED DATE: 10/29/2018

RULE SUMMARY: Minimum hours and standards for cosmetology programs were established in ORS 345.400 (3) and were repeated in rule. However, 2017 legislation removed specific program minimum standards from statute effective July 1, 2018 and permitted the Higher Education Coordinating Commission to establish, by rule, minimum hourly training requirements or student proficiency-based training requirement standards required for graduating from hair design, barbering, esthetics or nail technology schools.

The proposed changes to OAR 715-045-0200 and 0220 update the minimum standards for hourly programs and establishes a minimum number of practical operations for both hourly and competency-based cosmetology programs.

RULE TEXT:

(1) For purposes of this rule, a 'practical operation' is the demonstration and application of a relevant skill or group of skills necessary for work in barbering, hair design, esthetics, or nail technology. For the purposes of this rule, the 'model curriculum' is a curriculum established and maintained by the Higher Education Coordinating Commission which details mandatory curricular requirements, including, but not limited to practical operations requirements, safety and sanitation requirements, and career development requirements established in this rule. The model curriculum is available for review by all schools.

(2) No earlier than May 1, 2019 and no later than July 1, 2019, continuing to be in effect thereafter, schools must offer programs that meet the following minimum training requirements, in accordance with the model curriculum:

(a) For hair design, 1110 hours and 455 practical operations.

(b) For barbering, 746 hours and 465 practical operations.

(c) For esthetics, 444 hours and 220 practical operations.

(d) For nail technology, 241 hours and 70 practical operations.

- (e) Safety and sanitation shall be incorporated in each practical experience for the fields of practice identified in subsections (1) (a) through (d), in accordance with the model curriculum.
- (f) Schools, at their discretion, may add additional hours to any program listed above. There is no minimum or maximum number of hours that a school may add to the hours required in subsections (1) (a) through (d). If hours are added to the minimum required, those hours become part of the schools completion requirements.
- (3) In addition to the program requirements listed in subsection (1), students must successfully complete 20 hours of career development, in accordance with the model curriculum. A student who attempts multiple programs shall only be required to complete the career development component once.
- (4) A student enrolled in a program at the time subsection (1) of this rule takes effect shall be allowed to complete the program in which they are enrolled under the terms for their original enrollment agreement, unless a rider to the enrollment agreement, signed by both the student and an authorized representative of the school, is executed, specifying that the student agrees to complete such program under different requirements. Before a rider to the enrollment agreement is executed, the school shall:
- (a) Review student's current program requirements in comparison to the revised program requirements.
- (b) Provide the student information in writing about which set of program requirements may be most beneficial to student, in terms of length of time to complete, cost, and use of federal financial aid.
- (c) Provide student with a program that gives credit for applicable hours already earned and practical operations completed and outlines a revised course of study that meets the minimum requirements.
- (d) Determine if cost differences, if any, between the student's current program and the revised program result in an overpayment on behalf of the student, and issue any necessary refund to the student, except as provided by federal law or other controlling statute or regulation.
- (5) Individual progress records must be regularly maintained for the purpose of monitoring each student's progress through the instructional program and verifying actual hours of instruction in each certifiable classification. Once a student completes the minimum hourly training requirements specified in subsection (1) of this section and the school's own program completion requirements, the school shall administer a Commission-approved written and practical exam prior to the student taking the State Board exam for licensure. The time required to take the practical exam shall be included as part of the contracted program hours included in the tuition cost.
- (6) The Commission shall develop the model curriculum with the assistance of a curriculum committee, including minimum curriculum content standards for each certificated program or any combination of programs.
- (7) No student shall perform any practical operation in a clinic lab without first having achieved verifiable minimum competence, as determined and documented by the school.
- (8) The instructional program shall determine the type of assignments students will receive in the clinic lab. Clinic lab assignments should, as nearly as possible, reflect the emphasis of the student's current and cumulative theory and laboratory experiences. Schools shall establish a minimum and maximum number of clinic activities for each type of task required in the clinic lab. These minimums and maximums should show a comparable distribution of activities reflective of industry practice. Only when students have completed the minimum in all areas can they be assigned to clinic activities in excess of the maximums.
- (9) With the exception of a Commission-approved cosmetology teacher training program, a school shall not conduct both fixed-hour and student competency-based training programs in the same school facility concurrently unless the school is in transition from one training program to another. The Commission may set a time limit in which the transition must be completed.
- (10) No school shall enroll a student wishing to transfer hours from a school of barbering, hair design, esthetics, or nail technology in Oregon or out-of-state without first receiving an official transcript properly signed or sealed directly from the previous schools. A school may admit a student on a temporary basis without receiving an official transcript. In no event should a student be considered a graduate until an official transcript from all prior schools is in the graduating school's student file. Schools shall evaluate and grant appropriate credit for any education and training students received at state regulated postsecondary schools.

- (11) Schools shall validate only their own hours of instruction provided a student but not any hours provided by other schools.
- (12) Upon receipt and evaluation of official transcripts from schools previously attended:
- (a) Schools shall give full credit for hours earned within the last ten years; and
 - (b) Schools may grant credit for hours earned prior to the last ten years, if approved by the Executive Director.
- (13) No school shall deny a student a record of hours earned. A record of hours does not infer or include the official transcript.
- (14) The school shall have as a minimum the following staff present at all times:
- (a) 1–15 students present — one registered teacher;
 - (b) 16–30 students present — two registered teachers; and
 - (c) One additional registered teacher for each additional 20 students or part thereof. Teachers must be certified in all areas they teach and supervise. When only one teacher is present at the school, clinic lab operations, and classroom instruction shall not occur simultaneously. The lone teacher shall conduct and supervise one or the other but not both concurrently. Teachers who supervise the clinic lab and/or approve student practical performance must be certified in all areas they supervise or approve;
 - (d) Exceptions to the student to teacher ratios in subsection 12(a)–(c) may be granted for theory or lecture classes only. All hands-on practical lab and clinic lab classes are required to maintain specified staffing ratios.
- (15) The minimum teaching staff, as set forth in these rules, shall not perform administrative or financial aid or any other non-instructional duties during the time that the clinic lab and classroom instruction are taking place concurrently.
- (16) A teacher or student teacher shall not perform any services in the school during school hours except for teaching purposes.
- (17) All services performed by students shall take place under the supervision and direction of a registered teacher.
- (18) Premises shall be used during school hours only for instructing students and teacher trainees in barbering, hair design, esthetics, or nail technology.
- (19) The school shall provide a minimum of 2,800 square feet of total floor space to be allocated as follows; one work station for each of the first twenty students; one additional work station for every five students in excess of twenty; and, where hair design is taught, one shampoo bowl for every five work stations. The Executive Director must approve any exception to this requirement. Classroom and clinic space are in compliance with OAR 715-045-0022. Schools must comply with ORS 345.240 relative to accessibility of programs for persons with handicapping conditions.
- (20) The Executive Director may approve a facility of less than 2,800 square feet of floor space for schools if the school presents a written plan as to how the number of students will be served in the space provided. The plan must include how the school meets the entire model curriculum standards.
- (21) The school shall be separated from adjoining rooms used for another business or for domestic purposes, by means of walls or substantial partitions extending from floor to ceiling; all doors leading to the school from the aforesaid adjoining rooms must be kept closed. Access to the school shall be provided by means of an outside or separate entrance, or from a public passageway in a public building.
- (22) Each school shall include the names of all actively employed (full-time or part-time) registered teachers on its annual license renewal application.
- (23) A licensed school of barbering, hair design, esthetics, or nail technology may offer a teacher training program if it complies with the following:
- (a) Courses of teacher training for instruction in barbering, hair design, esthetics, or nail technology may be offered only in a school of hair design licensed under the provisions of ORS Chapter 345 or Mt. Hood Community College. Courses of study must be submitted to the Executive Director for approval.
 - (b) The Standard Course of Study shall require 1,000 hours of instruction that shall include the following:
 - (A) Preparation and use of lesson plans,
 - (B) Use of audiovisual and other instructional aids,
 - (C) Development and administration of tests and evaluation of test results,

- (D) Evaluation and recording of student progress, and recording of attendance,
 - (E) Observation of demonstrations of practical skills and techniques,
 - (F) Assisting with demonstrations of practical skills and techniques,
 - (G) Setting up and performance of demonstrations of practical skills and techniques, and
 - (H) Practice teaching.
- (c) The Executive Director shall approve teacher-training programs of 200 hours for:
- (A) Teachers whose certification has lapsed more than three years, and
 - (B) Teachers from other states whose licensing requirements are less than the minimum requirements for Oregon.
- (d) The school shall:
- (A) Maintain daily records of the teacher trainee's attendance, and the subject matter covered; and
 - (B) Conduct and record the results of periodic evaluations of each teacher trainee.
- (e) The school may evaluate and give up to 500 hours credit for professional teaching experience or any academic training received in a community college or institution of higher education when that academic training contributes to achievement of the total approved Standard Course of Study. The Executive Director may grant a waiver to the 500 hour limitation if sufficient evidence is submitted;
- (f) A school shall not have more than three approved teacher trainees at one time. The school shall designate who shall have the principal supervisory responsibility for the student in the teacher-training program. Each trainee, when in the clinic lab, must be under direct supervision of a registered teacher with a minimum of two years teaching experience;
- (g) Teacher trainees shall evaluate students only under the direct supervision of a registered teacher; and
- (h) Teacher training students must be registered with the Executive Director prior to commencement of their training.

STATUTORY/OTHER AUTHORITY: ORS 345.400

STATUTES/OTHER IMPLEMENTED: ORS 345.400

AMEND: 715-045-0220

RULE TITLE: Proficiency-based Programs

NOTICE FILED DATE: 10/29/2018

RULE SUMMARY: Minimum hours and standards for cosmetology programs were established in ORS 345.400 (3) and were repealed in rule. However, 2017 legislation removed specific program minimum standards from statute effective July 1, 2018 and permitted the Higher Education Coordinating Commission to establish, by rule, minimum hourly training requirements or student proficiency-based training requirement standards required for graduating from hair design, barbering, esthetics or nail technology schools.

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(2) As an alternative to the minimum hourly training requirements specified in OAR 715-045-0200, a proficiency-based training program that is self-paced may be approved by the Executive Director when the school has developed written program requirements, including:

(a) Clearly defined student performance objectives that measure levels of performance for each practical operation and the knowledge required for students to successfully pass the appropriate practitioner licensing examination and successfully and safely perform on members of the public all services allowed in the scope of practice of the practitioner license;

(b) No earlier than May 1, 2019 and no later than July 1, 2019, continuing to be in effect thereafter, a minimum number of practical operations in the student's chosen course of study, in accordance with the model curriculum as developed by the Commission:

(A) For hair Design; 455 practical operations.

(B) For barbering; 465 practical operations.

(C) For esthetics; 220 practical operations.

(D) For nail Technology; 70 practical operations.

(c) A student enrolled in a program at the time subsection (1) (b) of this rule takes effect shall be allowed to complete the program in which they are enrolled under the terms for their original enrollment agreement, unless a rider to the enrollment agreement, signed by both the student and an authorized representative of the school, is executed, specifying that the student agrees to complete such program under different requirements. Before a rider to the enrollment agreement is executed, the school shall:

(A) Review student's current program requirements in comparison to the revised program requirements.

(B) Provide the student information in writing about which set of program requirements may be most beneficial to student, in terms of length of time to complete, cost, and use of federal financial aid.

(C) Provide student with a program that gives credit for applicable hours already earned and practical operations completed and outlines a revised course of study that meets the minimum requirements.

(d) Determine if cost differences, if any, between the student's current program and the revised program result in an overpayment on behalf of the student, and issue any necessary refund to the student, except as provided by federal law or other controlling statute or regulation.

- (e) Individual progress records maintained for the purpose of monitoring each student's progress through the instructional program and recording and verifying actual hours of instruction, number of practical operations and performance achievement by each student;
- (f) A curriculum design, which the Executive Director determines to be comparable to the Commission adopted model curriculum, showing a logical progression of academic and practical training experiences leading to the levels of student performance required for graduation and certification;
- (g) The identification of specific levels of competence to be achieved by each student prior to any clinic lab experience that will ensure students have achieved sufficient skill and knowledge to successfully and safely perform assigned practical operations on members of the general public;
- (h) A diagnosis of each student's beginning level of competency and a prescriptive instructional program for specific competency completion with projected timelines resulting in an estimated program completion date; a copy to be given to the student on commencement of the program and on file in the student's personal file. Revisions to the prescriptive program must be based on recorded performance evaluations and as a result of negotiations between the school and student. Copies of revisions must be given to the student and on file in the student's academic file;
- (i) Assurances that the instructional program will determine the type of assignments that students receive for the clinic lab; that, as nearly as possible, the clinic lab assignments reflect the emphasis of the student's current and cumulative theory and laboratory experiences;
- (j) Both or either school catalogs and student enrollment agreements, that show the average time for students to complete the requirements for the various certificate programs during the previous reporting period;
- (k) An annual report at the time of relicensing to the Commission showing the actual total hours of instruction received by each student who has completed or left the school during the previous reporting period;
- (l) Assurances that no student's competency-based prescriptive training program will be significantly altered or regulated in any way, once the student and the school administration have signed a competency-based agreement; and
- (m) When the school informs a student that he/she is competent, the student may elect to leave the school with a diploma at that time or stay in school until he/she has been trained for an amount of time equal to the training hours listed in OAR 715-045-0200(1), and no additional tuition may be charged. The student shall notify the school of his/her decision within two weeks of notice of competency.

STATUTORY/OTHER AUTHORITY: ORS 345.325, ORS 345.400

STATUTES/OTHER IMPLEMENTED: ORS 345.400