

1 **21 NCAC 14B .0608 COMPLAINTS IS ADOPTED AS PUBLISHED IN NC REGISTER 31:04 FOLLOWS:**

2 **21 NCAC 14B .0608 COMPLAINTS**

3 (a) Any person may file a complaint alleging violation of the Cosmetic Art Act ~~and~~ or 21 NCAC 14 with the Board
4 for investigation and ~~appropriate~~ disciplinary ~~action.~~ action per G.S. 88B-24.

5 (b) The complaint shall be filed in writing with the Board. Complaints ~~can~~ will be accepted by fax, mail, email,
6 through the Board's online complaint form at www.nccosmeticarts.com or delivered in office. Upon receipt of a
7 complaint, Board staff shall review the content for jurisdiction and when finding authority under ~~GS88B~~ G.S. 88B
8 or ~~21 NCAC 14~~ this Chapter assign the complaint for investigation. Complaints received alleging violation
9 outside the jurisdictional authority of the Board shall be forwarded to the appropriate agency and the complainant
10 notified, if ~~possible.~~ contact information is provided by the complainant.

11 (c) The Board shall notify the complainant and the respondent in any complaint filed with the Board of the disposition
12 of the ~~case and may publish or announce the disciplinary action in such manner and for such period as it deems~~
13 ~~appropriate.~~ case.

14 *History Note:* Authority G.S. ~~88B-2;~~ 88B-4;
15 *Eff. December 1, 2016.*
16

1 **21 NCAC 14P .0105 RENEWALS; EXPIRED LICENSES; LICENSES REQUIRED IS AMENDED AS**
2 **PUBLISHED IN NC REGISTER 31:04 AS FOLLOWS WITH CHANGES:**

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4 **21 NCAC 14P .0105 RENEWALS; EXPIRED LICENSES; LICENSES REQUIRED**

5
6 (a) The presumptive civil penalty for operating a cosmetic art shop/school with an expired license is:

- | | | | |
|---|-----|-------------|----------|
| 7 | (1) | 1st offense | \$100.00 |
| 8 | (2) | 2nd offense | \$250.00 |
| 9 | (3) | 3rd offense | \$500.00 |

10 (b) The presumptive civil penalty for practicing cosmetology, manicuring, ~~or esthetics~~ esthetics, or natural hair care
11 with an expired license is:

- | | | | |
|----|-----|-------------|----------|
| 12 | (1) | 1st offense | \$ 50.00 |
| 13 | (2) | 2nd offense | \$100.00 |
| 14 | (3) | 3rd offense | \$250.00 |

15 (c) The presumptive civil penalty for allowing an apprentice or someone with a temporary permit to practice
16 cosmetic art without direct supervision is:

- | | | | |
|----|-----|-------------|----------|
| 17 | (1) | 1st offense | \$100.00 |
| 18 | (2) | 2nd offense | \$300.00 |
| 19 | (3) | 3rd offense | \$500.00 |

20 (d) The presumptive civil penalty for practicing in a cosmetic art shop with an apprentice license or a temporary
21 permit without direct supervision is:

- | | | | |
|----|-----|-------------|----------|
| 22 | (1) | 1st offense | \$100.00 |
| 23 | (2) | 2nd offense | \$300.00 |
| 24 | (3) | 3rd offense | \$500.00 |

25 ~~(e) The presumptive civil penalty for an improperly licensed cosmetic art shop (incorrect number of chairs licensed)~~
26 ~~is:~~

- | | | | |
|----|----------------|------------------------|------------------------------|
| 27 | (1) | 1st offense | warning (\$50.00) |
| 28 | (2) | 2nd offense | \$100.00 |
| 29 | (3) | 3rd offense | \$200.00 |

30 ~~(f)~~ (e) The presumptive civil penalty for teaching with an expired license is:

- | | | | |
|----|-----|-------------|----------|
| 31 | (1) | 1st offense | \$100.00 |
| 32 | (2) | 2nd offense | \$250.00 |
| 33 | (3) | 3rd offense | \$500.00 |

34
35 *History Note:* Authority G.S. 88B-4; 88B-7; 88B-11; 88B-12; 88B-14; 88B-21; 88B-22; 88B- 23(a); 88B-24;
36 88B-29;

37 *Temporary Adoption Eff. January 1, 1999;*

38 *Eff. August 1, 2000;*
39 *Amended Eff. December 1, 2016; September 1, 2011; December 1, 2008; September 1, 2006;*
40 *February 1, 2004; August 1, 2002; April 1, 2001;*
41 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
42 *13, 2015.*
43

1 **21 NCAC 14P .0107 LICENSES TO BE POSTED IS AMENDED AS PUBLISHED IN NC REGISTER**
2 **31:04 AS FOLLOWS:**

3
4 **21 NCAC 14P .0107 LICENSES TO BE POSTED**

5 (a) The presumptive civil penalty for failure to display a current cosmetic art shop/school license is:

- 6 (1) 1st offense \$50.00
- 7 (2) 2nd offense \$100.00
- 8 (3) 3rd offense \$200.00

9 (b) The presumptive civil penalty for failure to display a current individual license is:

- 10 (1) 1st offense \$50.00
- 11 (2) 2nd offense \$100.00
- 12 (3) 3rd offense \$200.00

13 (c) The presumptive civil penalty for a school/shop for allowing ~~an employee to practice~~ or instruction of cosmetic
14 art without displaying a current license is:

- 15 (1) 1st offense \$50.00
- 16 (2) 2nd offense \$100.00
- 17 (3) 3rd offense \$200.00

18 (d) The presumptive civil penalty for displaying a copied license is:

- 19 (1) 1st offense \$50.00
- 20 (2) 2nd offense \$100.00
- 21 (3) 3rd offense \$200.00

22

23 *History Note: Authority G.S. 88B-4; **88B-23**; 88B-29;*
24 *Temporary Adoption Eff. January 1, 1999;*
25 *Eff. August 1, 2000;*
26 *Amended Eff. December 1, 2016; December 1, 2008; February 1, 2004; April 1, 2001;*
27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
28 *13, 2015.*

29

1 **21 NCAC 14P .0111 ESTABLISHMENT OF COSMETIC ART SCHOOLS IS AMENDED AS**
2 **PUBLISHED IN NC REGISTER 31:04 AS FOLLOWS:**

3
4 **21 NCAC 14P .0111 ESTABLISHMENT OF COSMETIC ART SCHOOLS**

5 (a) The presumptive civil penalty for failure to provide minimum floor space or equipment and supplies as required
6 by Subchapters 14G, ~~14H~~, 14J, ~~14K~~, ~~14O~~, ~~14S~~ and 14T is:

- | | | | |
|---|-----|-------------|----------|
| 7 | (1) | 1st offense | \$200.00 |
| 8 | (2) | 2nd offense | \$350.00 |
| 9 | (3) | 3rd offense | \$500.00 |

10 (b) The presumptive civil penalty for failure to provide instruction at a ratio required **in 21 NCAC 14 T .0701** is:

- | | | | |
|----|-----|-------------|--------------------|
| 11 | (1) | 1st offense | warning (\$100.00) |
| 12 | (2) | 2nd offense | \$250.00 |
| 13 | (3) | 3rd offense | \$500.00 |

14 (c) The presumptive civil penalty for failure to report a change in the teaching staff **as required in 21 NCAC 14 T**
15 **.0701** is:

- | | | | |
|----|-----|-------------|-------------------|
| 16 | (1) | 1st offense | warning (\$50.00) |
| 17 | (2) | 2nd offense | \$100.00 |
| 18 | (3) | 3rd offense | \$200.00 |

19 (d) The presumptive civil penalty for failure to submit an application for the approval of a school in the case of a
20 change of location or ownership **as required in in 21 NCAC 14 T .0706** is:

- | | | | |
|----|-----|-------------|----------|
| 21 | (1) | 1st offense | \$100.00 |
| 22 | (2) | 2nd offense | \$200.00 |
| 23 | (3) | 3rd offense | \$500.00 |

24
25 *History Note: Authority G.S. 88B-4(2); 88B-16; 88B-29;*
26 *Temporary Adoption Eff. January 1, 1999;*
27 *Eff. August 1, 2000;*
28 *Amended Eff. December 1, 2016; September 1, 2012; July 1, 2010; February 1, 2004;*
29 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
30 *13, 2015.*

1 **21 NCAC 14P .0113 OPERATIONS OF SCHOOLS OF COSMETIC ART IS AMENDED AS**
2 **PUBLISHED IN NC REGISTER 31:04 AS FOLLOWS:**

3
4 **21 NCAC 14P .0113 OPERATIONS OF SCHOOLS OF COSMETIC ART**

5 (a) The presumptive civil penalty for failure to record student's hours of daily attendance per 21 NCAC 14T .0502
6 is:

- | | | | |
|---|-----|-------------------------|--------------------|
| 7 | (1) | 1 st offense | warning (\$100.00) |
| 8 | (2) | 2 nd offense | \$200.00 |
| 9 | (3) | 3 rd offense | \$300.00 |

10 (b) The presumptive civil penalty for failure to report withdrawal or graduation of a student per 21 NCAC 14T
11 .0502 is:

- | | | | |
|----|-----|-------------|-------------------|
| 12 | (1) | 1st offense | warning (\$50.00) |
| 13 | (2) | 2nd offense | \$100.00 |
| 14 | (3) | 3rd offense | \$200.00 |

15 (c) The presumptive civil penalty for failure to submit student enrollments per 21 NCAC 14T .0502 is:

- | | | | |
|----|-----|-------------|-------------------|
| 16 | (1) | 1st offense | warning (\$50.00) |
| 17 | (2) | 2nd offense | \$100.00 |
| 18 | (3) | 3rd offense | \$200.00 |

19 (d) The presumptive civil penalty for failure to display a copy of the sanitation rules is:

- | | | | |
|----|-----|-------------------------|-------------------|
| 20 | (1) | 1 st offense | warning (\$50.00) |
| 21 | (2) | 2 nd offense | \$100.00 |
| 22 | (3) | 3 rd offense | \$200.00 |

23 (e) The presumptive civil penalty for failure to post consumer sign "Cosmetic Art School - Work Done Exclusively
24 by Students" is:

- | | | | |
|----|-----|-------------------------|-------------------|
| 25 | (1) | 1 st offense | warning (\$50.00) |
| 26 | (2) | 2 nd offense | \$100.00 |
| 27 | (3) | 3 rd offense | \$200.00 |

28 (f) The presumptive civil penalty for allowing a cosmetic art shop to operate within a cosmetic art school is:

- | | | | |
|----|-----|-------------------------|----------|
| 29 | (1) | 1 st offense | \$200.00 |
| 30 | (2) | 2 nd offense | \$400.00 |
| 31 | (3) | 3 rd offense | \$600.00 |

32 (g) The presumptive civil penalty for a cosmetic art school that is not separated from a cosmetic art shop or other
33 business by a solid wall, floor to ceiling, with ~~an~~ a separate entrance and a door that stays closed at all times is:

- | | | | |
|----|-----|-------------------------|----------|
| 34 | (1) | 1 st offense | \$200.00 |
| 35 | (2) | 2 nd offense | \$400.00 |
| 36 | (3) | 3 rd offense | \$600.00 |

37 (h) The presumptive civil penalty for failure to have any student wear ~~a clean washable~~ the required school uniform
38 or identification per 21 NCAC 14T .0613 is:

1 (1) 1st offense warning (\$50.00)

2 (2) 2nd offense \$100.00

3 (3) 3rd offense \$200.00

4 (i) The presumptive civil penalty for failure to renew or file school bond or bond alternative is:

5 (1) 1st offense \$200.00

6 (2) 2nd offense \$400.00

7 (3) 3rd offense \$600.00

8 (j) The presumptive civil penalty for failure to maintain the student permanent file with required documents per 21
9 NCAC 14T .0502 is:

10 (1) 1st offense warning (\$50.00)

11 (2) 2nd offense \$100.00

12 (3) 3rd offense \$200.00

13

14 (k) The presumptive civil penalty for failure to maintain records of daily hours of attendance documents per 21
15 NCAC 14T .0502 is:

16 (1) 1st offense warning (\$50.00)

17 (2) 2nd offense \$100.00

18 (3) 3rd offense \$200.00

19

20 (l) The presumptive civil penalty for failure to maintain records of performances documents per 21 NCAC 14T
21 .0502 is:

22 (1) 1st offense warning (\$50.00)

23 (2) 2nd offense \$100.00

24 (3) 3rd offense \$200.00

25

26 (m) The presumptive civil penalty for allowing an unlicensed individual to instruct cosmetic art is

27 (1) 1st offense \$500.00

28 (2) 2nd offense \$750.00

29 (3) 3rd offense \$1000.00

30

31 *History Note: Authority G.S. 88B-4; 88B-16; 88B-17; 88B-29;*

32 *Temporary Adoption Eff. January 1, 1999;*

33 *Eff. August 1, 2000;*

34 *Amended Eff. December 1, 2016; August 1, 2014; September 1, 2012; July 1, 2010; December 1,*
35 *2008; April 1, 2004;*

36 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
37 *13, 2015.*

1 **21 NCAC 14P .0114 COSMETOLOGY CURRICULUM IS REPEALED AS PUBLISHED IN NC**
2 **REGISTER 31:04:**

3
4 **21 NCAC 14P .0114 COSMETOLOGY CURRICULUM**

5 ~~(a) The presumptive civil penalty for a school allowing cosmetology or apprentice cosmetology students with less~~
6 ~~than 300 hours credit to work on the public. (Shampoo and scalp manipulations are exempt) is:~~

7 (1) ~~1st offense \$100.00~~

8 (2) ~~2nd offense \$200.00~~

9 (3) ~~3rd offense \$300.00~~

10 ~~(b) The presumptive civil penalty for a school for manicurist students with less than 60 hours credit working on the~~
11 ~~public is:~~

12 (1) ~~1st offense \$100.00~~

13 (2) ~~2nd offense \$200.00~~

14 (3) ~~3rd offense \$300.00~~

15 ~~(c) The presumptive civil penalty for a school for esthetician students with less than 75 hours credit working on the~~
16 ~~public is:~~

17 (1) ~~1st offense \$100.00~~

18 (2) ~~2nd offense \$200.00~~

19 (3) ~~3rd offense \$300.00~~

20 ~~(d) The presumptive civil penalty for a school for natural hair care students with less than 60 hours credit working~~
21 ~~on the public is:~~

22 (1) ~~1st offense \$100.00~~

23 (2) ~~2nd offense \$200.00~~

24 (3) ~~3rd offense \$300.00~~

25
26
27 *History Note: Authority G.S. 88B-4; 88B-29;*
28 *Temporary Adoption Eff. January 1, 1999;*
29 *Eff. August 1, 2000;*
30 *Amended Eff. September 1, 2012; July 1, 2010;*
31 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
32 *13, 2015, 2015;*
33 *Repealed Eff. December 1, 2016.*

1 **21 NCAC 14T .0102 NEW SCHOOL APPLICATIONS IS AMENDED AS PUBLISHED IN NC**
2 **REGISTER 31:04 AS FOLLOWS WITH CHANGES:**

3
4 **21 NCAC 14T .0102 NEW SCHOOL APPLICATIONS**

5 (a) Persons desiring to operate a cosmetic art school in the state of North Carolina ~~must~~ shall make application for
6 licensure ~~and a letter of approval~~ by submitting to the Board the Board's School Application. ~~The Board's School~~

7 Application shall include:

- 8 (1) School name;
- 9 (2) Cosmetic Art discipline(s) to be taught;
- 10 (3) Physical address and mailing address;
- 11 (4) Phone number;
- 12 (5) Email address;
- 13 (6) Ownership type;
- 14 (7) Reason for application;
- 15 (8) Owner name;
- 16 (9) School contact person with phone number and email address and;
- 17 (10) List of teachers with cosmetic art license number.

18 (b) ~~School applications~~ application forms must be submitted ~~complete with:~~ along with supporting documents as
19 follows:

- 20 (1) Proof of bond as required by G.S. 88B-17;
- 21 (2) Diagram with location of equipment placement and marking square footage of all areas including
22 classrooms, dispensary, water supplies, stations, locker room/dressing room, office areas,
23 reception areas and restroom facilities;
- 24 (3) Course curriculum for each cosmetic art discipline and teacher trainee program to be taught in the
25 school;
- 26 (4) Plans for record keeping of student hours, minimum course requirement qualifications, and
27 student performances;
- 28 (5) Evaluation plans for the assignment of performance services, the qualifications for passing a
29 performance requirement and techniques for grading of performances;
- 30 (6) Handbook for students containing student policies on attendance, leave of absence policy,
31 performance assignment, and a plan to assist students to achieve the required minimum hours and
32 ~~performances;~~ performances per 21 NCAC 14T .0602-.0610;
- 33 (7) A raised seal identifying the school name and physical location to be used on all Board forms,
34 reports, and other official papers;
- 35 (8) Documentation of local municipality fire, occupancy, electrical and plumbing approval; and
- 36 (9) School operation schedule including days, hours and observed holidays.

1 ~~(b)~~ (c) The Board shall not approve an application for a license until all plans, furniture, supplies and equipment as
2 prescribed by the rules in this Subchapter have been installed.

3 ~~(e)~~ (d) The Board shall issue a license to any cosmetic art school that meets the requirements of this Subchapter.
4

5 *History Note:* Authority G.S. ~~88B-2~~; 88B-4; 88B-16; 88B-17;

6 *Eff. January 1, 2012;*

7 *Amended Eff. December 1, 2016;*

8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
9 *13, 2015.*

10

1 **21 NCAC 14T .0502 PERMANENT RECORDS, FORMS AND DOCUMENTATION IS AMENDED AS**
2 **PUBLISHED IN NC REGISTER 31:04 AS FOLLOWS WITH CHANGES:**

3
4 **21 NCAC 14T .0502 PERMANENT RECORDS, FORMS AND DOCUMENTATION**

5 (a) Cosmetic art schools must maintain ~~a secure and~~ locked ~~storage for the~~ permanent ~~file files~~ of ~~matriculations for~~
6 all enrolled students and students who have withdrawn or graduated within the last six months together in one room
7 within the approved square footage of the cosmetic art school. Withdrawal and graduation forms reviewed by the
8 Board or an agent of the Board may be removed from this room. The permanent file shall include a copy of:

- 9 (1) Board Enrollment Form;
- 10 (2) Documentation of student receipt of school policies, school and student contract and the Board
11 felony policy;
- 12 (3) All applicable Board Withdrawal Forms;
- 13 (4) Social security card for any individual who has a social security number or tax ID card or student
14 visa information;
- 15 (5) Government issued ID and proof of date of birth;
- 16 (6) Grades for all examinations and documentation for ~~pass/fail~~ pass performances;
- 17 (7) Documentation for any leave of absence over 30 days;
- 18 (8) Transfer of hours form documenting hours earned in other schools and hours accepted by current
19 school; and
- 20 (9) Graduation Form.

21 (b) The school shall keep onsite records of hours earned daily including field trip hours and documentation of field
22 trip hours updated with a running grand total:

- 23 (1) A daily record shall be kept of the performances for each student, showing the actual date of the
24 performance and the teacher who ~~approved~~ approved the performance;
- 25 (2) A daily record shall be kept of the actual number of hours of attendance; and
- 26 (3) An updated Performance Record.

27 (c) When a student enrolled in a cosmetic art school withdraws from ~~such the~~ school, the cosmetic art school shall
28 report the withdrawal to the ~~Board~~ Board. ~~its administrative decision to withdraw the student~~.

29 (d) If a student withdraws from a cosmetic art ~~program~~ discipline within the first five days, the school need not
30 submit the enrollment to the Board.

31 (e) The graduation form documentation must be signed by on site school staff or on site school administrators and
32 must have the seal of the school affixed. The original graduation form documentation must be prepared on the
33 Board ~~form~~ form and shall indicate that the applicable requirement of this Chapter have been met. The cosmetic art
34 school shall mail the graduation form to the Board at the Board's address set forth in Rule 14A .0104 or submit the
35 graduation form via the Board's school documents portal at www.nccosmeticarts.com within 30 days of the
36 student's graduation ~~date with the school seal affixed~~ date.

37 (f) All forms submitted to the Board must be sealed originals or a digital scan of sealed originals and a copy shall be
38 maintained in the school ~~file~~ permanent file storage. Except for student signatures, all ~~All~~ forms submitted to the

1 Board must be completed, ~~except for student signatures as necessary,~~ by on site school staff or on site school
2 administrators. Board forms shall be used for the sole purpose of documenting to the Board student records and
3 shall not be used to notify students of enrollment, transfer of hours, withdrawal or graduation.

4 (g) Changes or corrections made by the school to any Board form must be submitted to the Board with supporting
5 documentation.

6 (h) All cosmetic art schools must maintain on file at the school an original daily record of enrolled students' hour
7 and performances. This record must be kept in a secured location under lock and key but made available for review
8 by the Board or its agent at any time.

9 (i) All records kept by a cosmetic art school on a student who has withdrawn or graduated must be kept in the
10 school's locked files for future reference until the date the student is accepted for the Board examination or five
11 years after the date the student first enrolled in the school, whichever occurs earlier. Forms reviewed by the Board
12 or an agent of the Board may be removed from this room.

13 (j) The record of all hours and performances must be documented in writing. Credit issued to students that cannot
14 be verified may be eliminated from the student record by an agent of the Board.

15 (k) Access to student records must be limited to agents of the Board, teachers and administrators of the school.
16 Records cannot be altered offsite. Records altered onsite must have documentation supporting the change attached.

17 (l) All individuals in a cosmetic art school receiving cosmetic art education, earning hours, performing or practicing
18 cosmetic art services must be enrolled in the school.

19 (m) Only teachers reported to the Board as employees of a cosmetic art school may grade practical student
20 examinations and evaluate ~~pass/fail~~ pass or fail of student performances. Only on site teachers, on site school
21 administrators or on site school staff shall record student hours and performances, grade examinations and determine
22 completion and record credit of live model and mannequin performances.

23 (n) Minimum scores required for examinations and the successful completion of live model/mannequin
24 performances as determined through the school's evaluation plan that is approved by the Board at the time of
25 application shall be disclosed to students at the time of enrollment. Passing grades and performances cannot be
26 credited to students who fail to meet the requirements of the evaluation plan.

27 (o) Cosmetic art schools must provide to each student a copy of school policies, the Board felony policies and shall
28 retain for the permanent file a copy of the student's acknowledgement of receipt of these policies.

29 (p) The names of students with unsatisfied academic obligations shall not be submitted to the Board as graduates
30 but may be submitted as withdrawn.

31 (q) Cosmetic art schools shall not report to the Board the unsatisfied financial obligations of any cosmetic art
32 student. Cosmetic art schools shall not prevent the graduation of students who have met the Board minimum
33 requirements and passed all school academic requirements.

34 (r) Records of hours must be rounded to no more than the nearest quarter hour. Cosmetic art schools shall not give
35 or deduct hours or performances as a rewards or penalties.

36 (s) An applicant may receive credit for instruction taken in another state if the conditions set forth in this **Rule**
37 **Paragraph** are met. In order to determine if the conditions have been met the applicant's record shall be certified by

1 the state agency or department that issues licenses to practice in the cosmetic arts. If this agency or department does
2 not maintain any student records or if the state does not give license to practice in the cosmetic arts, then the records
3 may be certified by any state department or state agency that does maintain such records and is willing to certify
4 their accuracy. If no state department or board will certify the accuracy of the student's records, then the Board shall
5 review the student's records for validity on a case-by-case ~~basis.~~ basis using the documentation provided by the
6 student.

7 (t) Hours transferred between open North Carolina schools must be obtained by the submission of the Board
8 transfer form mailed directly from the school in which the hours are earned with the school seal affixed, with grades
9 for examinations and performances to the new school in which a student enrolls. Such original documentation shall
10 be submitted to the Board with enrollment. Transfer forms shall include the following:

11 (1) Student name and social security number;

12 (2) School code;

13 (3) Course type and total number of live model and mannequin service performances;

14 (4) Enrollment date and last date of attendance;

15 (5) Number of hours and minutes completed;

16 (6) School owner name and signature; and

17 (7) School seal.

18 (u) A student must pass an entrance examination given by the school to which the student is transferring for the
19 hours to be transferred from one cosmetic art school to another.

20
21 *History Note: Authority G.S. 88B-4; 88B-16;*

22 *Eff. January 1, 2012;*

23 *Amended Eff. December 1, 2016; January 1, 2014; June 1, 2013;*

24 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January*
25 *13, 2015.*

1 **21 NCAC 14T .0705 SCHOOL PERFORMANCE REQUIREMENTS IS AMENDED AS PUBLISHED**
2 **IN NC REGISTER 31:04 AS FOLLOWS:**

3
4 **21 NCAC 14T .0705 SCHOOL PERFORMANCE REQUIREMENTS**

5
6 (a) Each cosmetic art school shall meet or exceed a program completion rate of at least 50 percent during any five
7 year period and shall meet or exceed a student pass rate on state licensure examinations of at least 70 percent during
8 any two year period.

9 (b) The school shall allow the teachers to have the opportunity to prepare for class, evaluate students' progress in
10 the course, counsel students individually, and participate in activities of continuing education.

11 (c) Cosmetic art schools shall provide to substitutes copies of lesson plans and the performance evaluation plan for
12 the successful grading of clinical performances.

13 (d) School attendance policies shall give appropriate performances attendance credit for all hours attended.

14 (e) If a graduate meets all the school financial and academic requirements and the Board hours and performance
15 requirements, requirements as set forth in 21 NCAC 14T .0602-.0610 the school shall approve the student for Board
16 examination.

17 (f) Cosmetic art schools shall maintain current bond according to G.S. 88B-17 and shall submit certification of
18 renewal or new bond prior to expiration of the bond approved by the Board.

19 (g) At the time of school license renewal, each school shall submit to the Board financial records of prepaid tuition
20 and a letter signed by an authorized representative of the school documenting the calculations made and the method
21 of computing the amount of the bond for the preceding year. If the school did not collect prepaid tuition, the school
22 shall submit a letter signed by an authorized representative of the school documenting that no prepaid tuition was
23 collected.

24 (h) Each school shall maintain and submit to the Board proof of bond in an amount of ten thousand dollars
25 (\$10,000), or equivalent to prepaid tuition received during the previous year, whichever is greater.

26
27 *History Note:* Authority G.S. ~~88B-2~~; 88B-4; 88B-16; 88B-17;
28 Eff. January 1, 2012;
29 Amended Eff. December 1, 2016; January 1, 2015; September 1, 2012;
30 Readopted Eff. January 1, 2016.

1 21 NCAC 14T .0901 SCHOOL PROBATION IS AMENDED AS PUBLISHED IN NC REGISTER 31:04
2 AS FOLLOWS WITH CHANGES:

3
4 SECTION .0900 – DISCIPLINARY ACTIONS

5
6 21 NCAC 14T .0901 SCHOOL PROBATION

7 (a) After notice and opportunity for a hearing, the Board shall put the school on probation if the Board finds that the
8 program fails to comply with General Statutes or these Rules. The decision shall identify all deficiencies required to
9 be corrected for the program to come into compliance.

10 (b) No later than one calendar year after ~~notification, notification of probation,~~ the school shall either:

- 11 (1) Correct the deficiencies identified ~~above~~ and come into compliance with Board requirements; or
12 (2) Request an extension of time in which it shall:
13 (A) Explain the basis for its failure to correct the deficiencies within the allotted time;
14 (B) Provide a summary of the program's ~~good faith~~ efforts to come into compliance within
15 the allotted time; and
16 (C) Present a plan of action to come into ~~compliance within the extension, compliance.~~

17 (c) ~~After a request for an extension the~~ ~~The~~ Board shall extend the time ~~to come into compliance~~ by a single six-
18 month period ~~if based on:~~

- 19 (1) The explanation provided ~~above is complete and~~ contains all material ~~facts, related to the non-~~
20 ~~compliance;~~
21 (2) ~~The~~ ~~There are~~ efforts ~~made~~ by the school to correct the deficiencies pursuant to Paragraph (a) of
22 ~~this Rule~~ to come into ~~compliance demonstrate good faith; compliance;~~ and
23 (3) The ~~plan of action~~ ~~efforts made by the school~~ to come into compliance ~~is realistic and complete.~~
24 ~~address each instance of non-compliance.~~

25 (d) The Board shall make site visits or require the school to submit progress reports, syllabi, evaluative tools and
26 student ~~records when necessary to verify the accuracy of the report.~~ ~~records.~~

27 (e) When a program previously placed on probation fails to demonstrate compliance with General Statutes or these
28 Rules as set forth in the Board's order, the Board shall order the school's official and the director to appear at a
29 hearing at which time the school shall present evidence why the school's license ~~and letter of approval~~ should not be
30 ~~withdrawn, revoked.~~

31 (f) If ~~after a probationary period and hearing in accordance with this Rule,~~ the Board ~~[determines to withdraw or~~
32 ~~revoke]~~ ~~revokes~~ the school license ~~[and letter of approval]~~ ~~due to failure to comply with the applicable Rules and~~
33 ~~Statutes,~~ the school shall work with Board inspectors and personnel for the collection of student records.

34
35 *History Note:* Authority G.S. ~~88B-2;~~ 88B-4; 88B-16; ~~88B-17;~~
36 *Eff. January 1, 2012;*
37 *Amended Eff. December 1, 2016;*

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Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015.