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**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 250 Department or Agency Board of Cosmetology
Rule No. 250-X-5-.02(3.5.6.7)
Rule Title: School Requirements
 New Amend Repeal Adopt by Reference

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

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

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

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

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

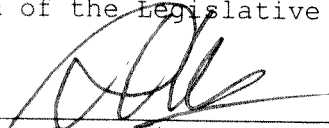
Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

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

Certification of Authorized Official

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



Bob McKee, Executive Director

Date December 5, 2012

(DATE FILED)
(STAMP)

ALABAMA BOARD OF COSMETOLOGY

NOTICE OF INTENDED ACTION

AGENCY NAME: Board of Cosmetology

RULE NO. & TITLE: 250-X-5-.02 ((3,5,6,7) School Requirements

INTENDED ACTION: To amend this rule.


SUBSTANCE OF PROPOSED ACTION: To increase the amount of bond and eliminate requirement for number of students enrolled.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

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

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

CONTACT PERSON AT AGENCY:


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

250-X-5-.02 School Requirements.

- (1) The Board must be furnished a statement by the proper zoning authority that the school will be located in an area approved for operation of a school. If there is no appropriate zoning authority, a statement to that effect must be furnished to the Board.
- (2) A personal financial statement and a \$ 25,000 letter of credit is required to open and operate a school.
- (3) A bond in the amount of ~~\$5,000~~ \$ 50,000 (fifty thousand dollars) in favor of the State of Alabama underwritten by a company authorized to do business in Alabama is required to open and maintain a school.
- (4) A liability insurance policy for at least five hundred thousand (\$500,000) dollars is required to open and maintain a school.
- ~~(5) To begin operations, a day school must have the names and addresses of at least (20) twenty prospective students, and to continue operations, a school must maintain an average of at least (10) ten enrolled students during the school's academic year. The number of students must be verified by affidavits from students.~~
- ~~(6) Night schools must have the names and addresses of at least ten (10) prospective students, and to continue operations, a night school must maintain an average of at least five (5) enrolled students during the school's academic year. The number of students must be verified by affidavits from students.~~
- ~~(7) (5) Any existing school which wishes to expand operations at the same physical location must notify the board in writing. and meet student and instructor requirements provided in this section.~~
- (8) (6) All night schools must maintain at least one full time instructor and one on-call instructor for up to twenty (20) students.
- ~~(9) (7) Each school must furnish the Board a copy of its standard contract for students.~~
- (10) (8) Each school must furnish the Board a copy of all financial forms relating to tuition, grants and scholarships.
- ~~(11) (9) Any school terminating operations must:~~
 - (A) Inform the Board at least thirty (30) working days prior to anticipated date of termination;
 - (B) Provide certified student records to the Board in a format approved by the Board on or before the last day of operation;
 - (C) Provide each current student a certified transcript of hours completed, and for which the school has been compensated;
 - (D) Refund any unearned tuition to students;
 - (E) Transfer to new owner all certified student records if the school is being sold or transferred.

~~(12)~~ **(10)** All schools must maintain at least 1,200 square feet inside wall dimensions of floor space to accommodate twenty (20) students. For each additional student over twenty (20) an additional fifteen (15) square feet of floor space is required.

~~(13)~~ **(11)** Schools must be completely segregated from any other type business by a solid wall from ceiling to floor without an opening of any type.

~~(14)~~ **(12)** Booths in work areas must be open and provide a clear view of students at work.

~~(15)~~ **(13)** Schools must be housed in a facility that is clean, properly lighted and ventilated and complies with all applicable health and building codes.

~~(16)~~ **(14)** An inventory of all equipment to be used in the school must be provided to the board with an affidavit stating that all equipment is owned by the school.

~~(17)~~ **(15)** Schools with less than twenty (20) students must maintain on staff at least one full-time instructor and one on-call instructor. For each additional twenty (20) students or fraction thereof, one additional full-time instructor must be provided on staff.

~~(18)~~ **(16)** The same person cannot be the on-call instructor for two schools.

Author: Bob McKee

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

History: Amended: Filed December 3, 2012; **Effective:**