

September 17, 2020

Legal Advertising
Lincoln Journal Star
PO Box 81869
Lincoln, NE 68501

To whom it may concern:

Please print the following notice in the Lincoln Journal Star by September 21, 2020:

NEBRASKA BOARD OF BARBER EXAMINERS NOTICE OF PUBLIC HEARING FOR AN
AMENDMENT TO TITLE 51 OF THE NEBRASKA ADMINISTRATIVE CODE

Notice is hereby given the Board of Barber Examiners will hold Regulation Change hearing pursuant to Neb. Rev Stat. 84-907 on Sunday the 25th day of October, 2020 at 2:45 p.m. to be held at 1220 Lincoln Mall, Ste. 100, Lincoln, NE in the main level Barber Board office, use the south entrance. The purpose of the hearing is to discuss a proposed regulation change regarding omitting the use of "compressed air" as a means of sanitary hair removal, as this method poses a potential risk to clients and staff. Draft copies of the Rules and Regulation to be amended are available for examination at the Board of Barber Examiners office, Monday through Friday, between 8 a.m. and 5 p.m. and on the Nebraska Secretary of State's website at <https://sos.nebraska.gov/>. All interested persons are invited to attend and comment at the hearing. Written comments are also welcome and will be given the same consideration as comments made in person. Written comments must be received at the Board Office by October 22, 2020. Written comments should be sent to Nebraska Board of Barber Examiners, PO Box 94723, Lincoln, NE 68509 or emailed to barbers.board@nebraska.gov. Individuals with disabilities in need of assistance contact Ken Allen, PO Box 94723, Lincoln, NE 68509 or (402) 471-2051 by October 22, 2020, to discuss accommodations available to meet your needs.

Sincerely,
Board of Barber Examiners

Kenneth J. Allen
Kenneth J. Allen, Director

KJA/ks



DRAFT/FINAL FISCAL IMPACT STATEMENT

Agency: Nebraska Board of Barber Examiners	
Title: NAC 51	Prepared by: Ken Allen
Chapter: 12	Date prepared: Sept. 17, 2020
Subject: 007 School Equipment	Telephone: 402-471-2051

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(X)	(X)	(X)
Increased Costs	()	()	()
Decreased Costs	()	()	()
Increased Revenue	()	()	()
Decreased Revenue	()	()	()
Indeterminable	()	()	()

Provide an Estimated Cost & a Description of Impact:

State Agency:

Political
Subdivision:

Regulated
Public:

If indeterminable, explain why:

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Proposed Amendment to Regulations

**CHAPTER 12 - MINIMUM CURRICULUM AND REQUIREMENTS
FOR APPROVED SCHOOLS OF BARBERING**

001 HOURS IN WORKING DAY, STUDENT RE-ENROLLMENT

001.01 Period of daily classes shall be at the discretion of the faculty of the school.

001.02 A barber student re-enrolling into a barber school or college following a two-year or longer absence may be assessed additional clock hours for each month beyond the two-year absence. All re-enrollment requests shall be reviewed by the Board.

001.03 Said course is to be under the tutelage of a registered barber instructor and assistant instructor.

002 ORIENTATION PERIOD, BARBER COURSE 300 HOURS - THEORY AND SUPERVISED PRACTICES ON STUDENTS AND MANNEQUINS include, but not be restricted exclusively to:

002.01 Laws and rules and regulations for barbering.

002.02 History of barbering.

002.03 Barber equipment and product knowledge, its uses and safety precautions.

002.04 Sanitation, sterilization, hygiene and first aid.

002.05 Haircutting, long and tapered styles, haircutting techniques and braiding.

002.06 Shaving, honing and stropping.

002.07 Scalp care, treatments and shampooing.

002.08 Facials, massages and packs.

002.09 Coloring, bleaching and rinsing.

002.10 Chemical waving and relaxing.

002.11 Natural and artificial nail care.

002.12 Waxing.

002.13 Cosmetologists licensed, or eligible for licensure, in the State of Nebraska, attending a school of barbering, is to be required no fewer than eighty (80) hours in the orientation period. The contents of these eighty (80) hours is to be at the discretion of the instructor, based upon the knowledge and experience of the student.

002.14 No student is permitted to render practical services on members of the public until such student has completed the orientation period, except that the Board may establish guidelines by which it may approve such practical services as part of the orientation period.

003 MINIMUM NUMBER OF REQUIRED SERVICES: Following are the services and the number of each that are to be performed by each student during his or her tenure in school. These services are to be performed in the clinic area. Services performed during the student's orientation period are not to be counted. These are the minimum number of services to be performed on members of the public, spread out over the entire course, not condensed into a small period of time:

	BARBER	BARBER/COS
003.01 Haircut, taper	75	75
003.02 Haircut, long style	75	50
003.03 Shampoo	75	50
003.04 Shave	10	10
003.05 Beard trim	10	10
003.06 Facial	24	12
003.07 Chemical waving	24	12
003.08 Perm rod rolling / braiding (mannequin)	90 10	45 5
003.09 Hair coloring	20	10
003.10 Bleaching or highlighting	6	3

004 THEORY - DEMONSTRATIONS AND LECTURES include the following, but not be restricted exclusively to:

004.01 Laws, rules and regulations for barbering.

004.02 Barber equipment and product knowledge, its uses and safety precautions.

004.03 Barber shop management, ethics and economics.

004.04 Sanitation, sterilization, personal hygiene and first aid.

004.05 Bacteriology.

004.06 Applied electricity.

004.07 Hairpieces.

005 INSTRUCTORS AND ASSISTANT INSTRUCTORS: All Barber Instructors and Assistant Instructors must meet all the requirements set forth in Section 71-208.02.

005.01 A person shall be eligible for registration as a barber instructor if he or she has earned at least eighteen hours of college credit at or above the post-secondary level, including at least three (3) credits each in:

005.01A Methods of Teaching, 3 hours - Principles of teaching vocational subjects is designed to acquaint the teacher with various activities involved in the teaching of vocational education. Further, it will help the prospective teacher develop and perfect the methods, procedures and techniques which have been found to be most effective in successful teaching.

005.01B Curriculum Development, 3 hours - This is a professional vocational education course. It is designed to provide the opportunity to develop techniques and procedures in writing, selection and organization of subject matter for instructional purposes. The course has been organized into five major units of instruction as listed: (1) course planning and the lesson plan format (2) writing and classifying objectives (3) developing lesson plans (4) student evaluation and (5) texts and the instructional systems.

005.01C Special Vocational Needs, 3 hours - This course is designed to introduce the prospective vocational teacher to learners with special needs. Emphasis will be placed on (A) recognizing vocational special needs students as individuals with legitimate rights to respect and dignity (B) nurturing an appreciation for individual differences (C) changing negative attitudes, prejudice and bias toward vocational learners with special needs.

005.01D Educational Psychology, 3 hours - Explore psychological concepts as they relate to the developmental studies area. Topics covered include: the learning process,

clarifying values and attitudes, problem solving, decision making, coping with stress and setting goals.

005.01E Speech Communication, 3 hours - Basic principals of effective communications, theory and practical, with emphasis on developing the preparation and delivery of effective oral communication skills.

005.01F Introduction to Business, 3 hours - Basic factors of organization, operations, business control and procedures effecting each. Broad look at interrelated roles of operating a small business.

005.02 A person shall be eligible for registration as a assistant barber instructor if he or she has completed application and paid the fee prescribed by section 71-219, has been a licensed and actively practicing barber for one year, and is currently enrolled or will enroll at the first regular college enrollment date after registration in an educational program leading to the completion of the hours required under subsection (2) (a) of 71-208.02. Applicants for registration as an assistant barber instructor must provide the Board with evidence of enrollment or acceptance into the educational program for at least one course resulting in credit for one of the requirements of 71-208.02 (2) (a).

005.03 Courses required in Section 71-208.02 (2) (a) must be accredited by the Career College Institute, Higher Learning Commission of the North Central Association of Colleges and Schools or by a substantially equivalent accrediting agency as determined by the Board, or be validated otherwise by the Board upon application on a form provided by the Board. The Board or an individual approved by the Board must proctor all final course examinations, including examinations for courses offered on-line.

005.04 Instructors and Assistant Instructors are to devote their entire time during school hours to instructing and supervising all student work and shall not apply their time to private or public practice of barbering for any reason.

005.05 Supervision of Assistant Barber Instructors.

005.05A Direct Supervision. A person registered as an assistant barber instructor who is or will be enrolled in an educational program leading to completion of the hours required under 71-208.02(5)(a) shall serve under the *direct* supervision of the supervising Barber Instructor. For purposes of this section, "direct supervision" means the physical presence of the supervising barber instructor in the clinical area, practice lab or theory classroom to instruct, guide, direct, demonstrate, evaluate or supervise practice by an assistant barber instructor.

005.05B Indirect Supervision. "Indirect supervision" means the supervising barber instructor is present within the facility in which the assistant barber instructor is providing services, and is available to provide immediate face to face communication with the person being supervised. A person registered as an assistant barber instructor who has completed nine college credit hours as required by 71-208.02(5)(b) may serve under the *indirect* supervision of a barber instructor if he or she:

005.05C1 has completed one year of instructor training under direct in-house supervision of an active, full-time, registered barber instructor; or

005.05C2 has completed the requirements of a barber instructor course developed or approved by the Board.

005.06 General Requirements for Assistant Instructor Training. Training of an assistant barber instructor through either a Board-approved barber instructor course or a one-year training program under a barber instructor in a school must:

005.06A Provide a prospective barber instructor with practical, supervised opportunities to develop and to demonstrate that he/she:

005.06A1 Has a sound understanding of the subject matter he or she will teach;

005.06A2 Can manage the classroom and the conduct of the students effectively;

005.06A3 Understands how students learn and how they differ in their approaches to learning, and how to make the subject matter meaningful for students;

005.06A4 Can plan and carry out daily lessons to accomplish the course goals within the timelines for the course;

005.06A5 Creates learning experiences that support how students learn, work together, and develop their performance skills;

005.06A6 Has the skills necessary to be a clear communicator orally and in demonstrating barbering techniques;

005.06A7 Understands and uses formal and informal assessment strategies to evaluate and ensure the continuous development of the students.

005.06B Have effective measures to assure and verify attendance and, in the case of an assistant instructor in a school, the hours of service;

005.06C Have effective evaluation mechanisms for assuring that the assistant instructor has satisfactorily attained the knowledge and skills to be an effective barber instructor.

005.07 Requirements for Direct Supervision in a School.

005.07A Plan. A barber instructor who is responsible for the direct supervision of an assistant barber instructor for one year of instructor training in a school is to develop and maintain a plan for the training of the assistant barber instructor that provides for specific, practical experience for the development of basic skills and for expansion of his or her instructional expertise and delivery strategies as skills are gained. The overall plan for the supervision period shall encompass the subjects for coursework required for a barber instructor by 71-208.02(2)(a) and shall meet the requirements of **005.06** of this chapter.

005.07B Evaluation. The barber instructor is to provide regular informal and formal review of the assistant barber instructor's performance. Formal review shall be made using specific assessment criteria through regular evaluations by the barber instructor with recommendations for continued growth and through:

005.07B1 An on-site evaluation visitor visits by a member of the Board of Barber Examiners, its Executive Director or other agent appointed by the Board; or

005.07B2 An onsite evaluation visit or visits by a guest barber instructor approved by the Board; or

005.07B3 A combination of the foregoing.

005.08 Application

005.08A One-Year Supervised Training under a Barber Instructor in a School. A barber school may apply for approval of one year of supervised training of an assistant barber instructor on a form provided by the Board. The application shall include the plan for training and the proposed tools for formal evaluation, and shall specify the method(s) of evaluation to be used as required by **005.07** of this chapter.

005.08B Barber Instructor Course. The Board may develop a barber instructor course or courses to offer in lieu of one year of supervised training in a barber school. In addition, an educational institution or other entities may apply to the Board to approve a barber instructor course. Applications shall be made on a form provided by the Board and shall demonstrate how the course meets the requirements of section **005.06** of this chapter and provide such other information as the Board may require to assure that the proposed course will be offered by a qualified institution or entity.

005.09 Board Review. The Board shall review each application for approval and the documents submitted in support of the application and determine within ninety (90) days whether to approve the course or courses. If the Board determines not to approve a course, the applicant may appeal the decision of the Board in accordance with the Administrative Procedure Act.

005.10 List of Approved Courses. The Board shall maintain a list of barber instructor courses developed or approved by the Board for purposes of this section.

006 CLASS ROOMS

006.01 An approved school of barbering is to have two (2) rooms accessible.

006.02 One (1) to be used for class study, examinations and lectures.

006.03 One (1) to be used for practical demonstrations.

006.04 Rooms shall be fully equipped to comply in every way, and at all times, with the rules and regulations of the Board.

006.05 Class rooms shall meet inspection requirements set forth in sections of these rules.

006.06 Study and lecture room is to be used for the sole purpose of giving scientific instruction.

006.06A Writing board and charts of skin, scalp, hair, nails and their disorders.

006.07 Schedules of classes shall be filed with the Board office.

007 SCHOOL EQUIPMENT shall consist of a minimum as follows:

007.01 One (1) barber chair for each two students enrolled.

007.02 One (1) shampoo bowl for every-five stations.

007.03 One (1) station for each two students enrolled.

007.04 One (1) immersion sterilizer for each student.

007.05 One (1) text book for each student and instructor.

007.06 Electrical equipment.

007.06A Vibrator.

007.07 Sufficient clean linen storage in enclosed cabinet/containers.

007.08 Writing board.

007.09 Bulletin board, conspicuously located for posting rules and regulations, notices and other information.

007.10 One (1) set of record files for student history, activities and duplicate copies of reports filed.

007.11 Sanitary hair removal equipment, either vacuum, ~~compressed air~~ or individual wipes.

007.12 Automatic lather mixer or canned lather.

007.13 Supply of standard tonics, lotions, shampoos and other cosmetics.

007.14 One (1) time clock.

007.15 One (1) mannequin for each student.

007.16 One (1) first aid kit.

007.17 Hooded hair dryers.

007.18 Library facilities which shall contain at least the following materials:

007.18A Current version of State of Nebraska Laws Relating to the Practice of Barbering.

007.18B Current version of Board of Barber Examiners Rules and Regulations.

007.18C Standard Dictionary of the English Language.

007.18D Standard Medical Dictionary.

007.18E Approved textbooks of barbering and hairstyling, hair structure, chemistry and physics.

008 BARBER CHAIR

008.01 Each barber chair must be in good condition, mechanically sound and with acceptable covering of a material capable of being sanitized and free of tears.

008.02 Barber chairs shall be placed at least four and one-half (4 1/2) feet apart, center to center, and each chair must occupy not less than thirty-five (35) square feet of floor space.

009 RECORDS

009.01 Enrollment: Each school shall forward to the Board, a record of student enrollment upon the date of admittance of the student.

009.02 Transfer of student credit hours from one school to another is at the discretion of the official school administrator, specific requirements having been met, as set forth herein.

009.03 Student has certificate of enrollment with his state barber administration or board.

009.04 All student requirements set forth in the statutes of this state have been met.

009.05 Each school shall keep daily class records of each student, showing information as follows:

009.05A Hours devoted to respective subjects.

009.05B Hours in attendance.

009.05C Records shall be subject to inspection by the examiners or representatives at any time during business hours.

009.06 An owner of a school shall furnish the Board, at the end of each month, the names of students enrolled, enrollment status and accredited hours earned.

009.07 The time and clinical operations of each student in each phase of demonstration, lectures and practical supervision shall be filed with the Board office at the end of each quarter.

010 FINAL RECORD: The school owner, instructor, manager or other qualified individuals designated by the school owner shall compile from his or her records:

010.01 A summary of each student's grades.

010.02 Hour and clinical service reports, shall be presented to the student upon graduation, and such reports shall be made a part of his or her application for examination. Any individual identified in 010 of this section must sign each report required and certify the record is correct and that the student has received a diploma from the school.

011 PROPER QUARTERS:

011.01 Shampoo bowls located in common areas shall have access without obstruction.

011.02 Toilet facilities shall be located on the school premises and kept clean, sanitary and in working order at all times.

011.03 Barber school/school of cosmetology that occupy the same location, the barber practical work area shall be visually distinct from the other and shall be clearly identified as such to the public by a sign.

OSHA Regulations

29 CFR 1910.242(b)

Compressed air used for cleaning. Compressed air shall not be used for cleaning purposes except where reduced to less than 30 p.s.i. and then only with effective chip guarding and personal protective equipment.

29 CFR 1917.154

Employees shall be protected by chip guarding and personal protective equipment complying with the provisions of Subpart E of this part during cleaning with compressed air. Compressed air used for cleaning shall not exceed a pressure of 30 psi. Compressed air shall not be used to clean employees.

Final Amended Copy

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007.02 One (1) shampoo bowl for every-five stations.

007.03 One (1) station for each two students enrolled.

007.04 One (1) immersion sterilizer for each student.

007.05 One (1) text book for each student and instructor.

007.06 Electrical equipment.

007.06A Vibrator.

007.07 Sufficient clean linen storage in enclosed cabinet/containers.

007.08 Writing board.

007.09 Bulletin board, conspicuously located for posting rules and regulations, notices and other information.

007.10 One (1) set of record files for student history, activities and duplicate copies of reports filed.

007.11 Sanitary hair removal equipment, either vacuum or individual wipes.

007.12 Automatic lather mixer or canned lather.

007.13 Supply of standard tonics, lotions, shampoos and other cosmetics.

007.14 One (1) time clock.

007.15 One (1) mannequin for each student.

007.16 One (1) first aid kit.

007.17 Hooded hair dryers.

007.18 Library facilities which shall contain at least the following materials:

007.18A Current version of State of Nebraska Laws Relating to the Practice of Barbering.

007.18B Current version of Board of Barber Examiners Rules and Regulations.

007.18C Standard Dictionary of the English Language.

007.18D Standard Medical Dictionary.

007.18E Approved textbooks of barbering and hairstyling, hair structure, chemistry and physics.

008 BARBER CHAIR

008.01 Each barber chair must be in good condition, mechanically sound and with acceptable covering of a material capable of being sanitized and free of tears.

008.02 Barber chairs shall be placed at least four and one-half (4 1/2) feet apart, center to center, and each chair must occupy not less than thirty-five (35) square feet of floor space.

009 RECORDS

009.01 Enrollment: Each school shall forward to the Board, a record of student enrollment upon the date of admittance of the student.

009.02 Transfer of student credit hours from one school to another is at the discretion of the official school administrator, specific requirements having been met, as set forth herein.

009.03 Student has certificate of enrollment with his state barber administration or board.

009.04 All student requirements set forth in the statutes of this state have been met.

009.05 Each school shall keep daily class records of each student, showing information as follows:

009.05A Hours devoted to respective subjects.

009.05B Hours in attendance.

009.05C Records shall be subject to inspection by the examiners or representatives at any time during business hours.

009.06 An owner of a school shall furnish the Board, at the end of each month, the names of students enrolled, enrollment status and accredited hours earned.

009.07 The time and clinical operations of each student in each phase of demonstration, lectures and practical supervision shall be filed with the Board office at the end of each quarter.

010 FINAL RECORD: The school owner, instructor, manager or other qualified individuals designated by the school owner shall compile from his or her records:

010.01 A summary of each student's grades.

010.02 Hour and clinical service reports, shall be presented to the student upon graduation, and such reports shall be made a part of his or her application for examination. Any individual identified in 010 of this section must sign each report required and certify the record is correct and that the student has received a diploma from the school.

011 PROPER QUARTERS:

011.01 Shampoo bowls located in common areas shall have access without obstruction.

011.02 Toilet facilities shall be located on the school premises and kept clean, sanitary and in working order at all times.

011.03 Barber school/school of cosmetology that occupy the same location, the barber practical work area shall be visually distinct from the other and shall be clearly identified as such to the public by a sign.