

# Regulatory Analysis Form

This space for use by IRRC

RECEIVED

2008 OCT -3 PM 1:18

INDEPENDENT REGULATORY  
REVIEW COMMISSION

IRRC Number: 2726

(1) Agency

Department of State, Bureau of Professional and Occupational Affairs, State Board of Barber Examiners

(2) I.D. Number (Governor's Office Use)

16A-427

(3) Short Title

Student Records and Curriculum

(4) PA Code Cite

49 Pa. Code §§ 3.71a, 3.72, 3.87, 3.90 and 3.103

(5) Agency Contacts & Telephone Numbers

Primary Contact: **Christopher McNally, Counsel**  
State Board of Barber Examiners (717) 783-7200  
Secondary Contact: **Joyce McKeever, Deputy Chief Counsel, Department of State** (717) 783-7200

(6) Type of Rulemaking (check one)

Proposed Rulemaking  
 Final Order Adopting Regulation  
 Policy Statement

(7) Is a 120-Day Emergency Certification Attached?

No  
Yes: By the Attorney General  
Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The addition of § 3.71a requires the barbershop owner or shop owner's designee to notify the Board of each student to be trained in the shop, before the student begins training.

The amendments to § 3.72 require barbershops to submit quarterly reports of student hours to the Board; clarify that the barbershop owner is responsible for keeping a student's records on file; and delete the requirement for barbershops to keep a student's blood tests on file.

The amendments to § 3.87 require barber schools to submit quarterly reports of student hours to the Board and delete the requirement for barbershops to keep a student's blood tests on file.

(cont'd on page 1 of attachment)

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

The amendments are authorized under section 15-A.4(b) of the act of June 19, 1931 (P.L. 589, No. 202) (63 P.S. § 566.4(b)), known as the Barbers' License Law (act).

## Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

No

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

**The addition of § 3.71a, requiring notification of students to be trained in barbershops, will enable the Board to keep track of students training in barbershops and thereby ensure that they are properly trained and supervised.**

**Under § 3.72 and § 3.87, the requirement for barbershops and barber schools to submit quarterly reports of student hours to the Board will enable the Board to ensure that the quarterly reports are being properly kept and will protect students from losing records in the event that the barbershop or barber school fails to preserve its records.**

**Under § 3.72, the Board is clarifying that the barbershop owner is responsible for keeping a student's records in a file. This removes ambiguity in determining accountability.**

**Under § 3.72 and § 3.87, the requirement for barbershops and barber schools to keep a student's blood test results on file is being removed because the legislature removed this requirement by amending the Act on June 28, 2002.**

**(cont'd on page 1 of attachment)**

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

**Nonregulation will result in confusion within the regulated community because the act and regulations are inconsistent.**

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

**Barber students will be the primary beneficiary of the proposed rulemaking because, in general, the amendments seek to ensure that barber students are being properly trained, that their records are properly maintained, that the regulations are consistent with the act regarding their records and daily schedules of study, that they have more flexibility in transferring credits, and that they have the opportunity to attend school on a part-time basis. Presently, there is no way for the Board to accurately assess the number of barber students because barbershops are not currently required to notify the Board of students who are training in a shop. Ultimately, the public will benefit from the regulations because the Board will have more oversight over student training and there will be more licensed barbers to serve the public.**

## Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

**There is no known segment of the public that will be adversely affected by the regulation.**

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

**Number of barber schools = 20 (as of May 23, 2008)**

**Number of barbershops = 2,750 (as of May 23, 2008)**

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

**The Board solicited input from the regulated community in the drafting and promulgating of these regulations (except with respect to proposed § 3.103, pertaining to fees). On April 8, 2005, the Board wrote to barber schools and professional associations soliciting input on proposed § 3.90 (pertaining to part-time study in barber schools). Subsequently, the Board further revised § 3.90 to permit students to earn credit for the number of hours per day that the student attends barber school, rather than setting up a distinction between day-time students and night-time students as had been contained in the draft that was sent to stakeholders. The Board also further revised § 3.90 to delete the requirement that each student shall have an opportunity to devote at least 5 hours per day to practical work and replaced it with the requirement that each student shall have an opportunity to devote a portion of time to practical work. On February 6, 2006, the Board wrote to barber schools, barber-teachers and professional associations soliciting input on proposed § 3.71a, § 3.72, § 3.87 and § 3.90 (pertaining to transfer of credits).**

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

**There will be minimal costs to barbershops and schools in mailing the barbershop student registrations and quarterly reports to the Board. At present, there is no way for the Board to know how many shops currently have students in training. However, a shop may avoid those costs simply by not offering training to students. The fee for certification of student status or student training hours will be \$30. The Board has no way of knowing how many students may need this service. It may never be needed, but will be available if a school suddenly closes and student records are unavailable. The Board estimates that, at most, the annual cost to the regulated community in complying with the proposed rulemaking will be approximately \$1,500.**

## Regulatory Analysis Form

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

**Local governments are not affected by this regulation.**

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

**The Board anticipates that there will be some minimal administrative costs associated with processing student registrations and maintaining records of student hours. Costs associated with certifying student hours will be borne by the student who requests this service.**

### Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY 07-08	FY +1 08-09	FY +2 09-10	FY +3 10-11	FY +4 11-12	FY +5 12-13
<b>SAVINGS:</b>	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community						
Local Government						
State Government						
Total Savings						
<b>COSTS:</b>						
Regulated Community	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500
Local Government						
State Government						
Total Costs						
<b>REVENUE LOSSES:</b>	N/A	N/A	N/A	N/A	N/A	N/A
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

Each of the 20 barber schools will be required to submit quarterly reports to the Board. Assuming an average mailing cost of  $\$0.42 \times 4 \times 20 = \$33.60$ . In addition, each barbershop currently training a student will be required to submit a registration and quarterly report for each student. The Board has no way of determining how many students may be currently in training in barbershops. Last year, there were 180 new barbers licensed by the Board. If all 180 had been trained in barbershops, the cost to register them as students and to submit quarterly reports would have been  $180 \times 5 \times \$0.42 = \$378$ . There will be a minimal cost of \$30 for certification of student status or student training hours. This cost was derived by determining the value of time spent by Board staff to process this paperwork. The Board has no way of determining how many students will request this service, if any. However, assuming 75 per biennium (as set forth on the attached Fee Report Form), the annual cost would be \$1,125. Therefore, the Board estimates, at most, an annual cost of approximately \$1,500 to the regulated community. ( $\$33.60 + \$378 + \$1,125 = \$1,536.60$ )

## Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3 FY 04-05	FY -2 FY 05-06	FY -1 FY 06-07	Current FY FY 07-08 (Budgeted)
<b>Barber Board</b>	\$ 371,508.97	\$ 484,088.16	\$510,391.66	\$ 600,000.00

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

**The minimal costs of submitting notification and quarterly reports to the Board is outweighed by the benefits to the public and regulated community set forth above.**

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

**No nonregulatory alternatives were considered because a regulatory approach is necessary to achieve the desired changes.**

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

**No alternative regulatory schemes were considered.**

## Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

**No federal licensure standards apply.**

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

**A survey of the laws of Delaware, Maryland, New Jersey, New York, Ohio and West Virginia was done. The results of the survey are summarized beginning on page 2 of the attachment and indicate that the proposed rulemaking will not put Pennsylvania at a competitive disadvantage with other states.**

**Of the three surrounding states that permit students to train in barbershops (Delaware, Maryland, and New York), two of these states (Maryland and New York) require registration with the Board and one of these states (Maryland) requires the owner or a designated master barber to file a monthly report that states the progress of each apprentice barber employed by the barbershop. Two of the surrounding states (New Jersey and Ohio) require barber schools to file monthly reports, with New Jersey requiring uniform time sheets of daily attendance and Ohio requiring the number of clock hours of each student. Two of the surrounding states (New Jersey and Ohio) specifically provide for part-time study in barber schools. Four of the surrounding states (Maryland, New Jersey, Ohio and West Virginia) provide for some type of transfer of credits. None of the three states (Maryland, New Jersey and Ohio) that require barbershops or barber schools to file monthly reports have a separate fee for certification of student or student training hours.**

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

**The regulation amends existing regulations pertaining to barbershops and barber schools. It does not affect other state agencies.**

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

**The Board will consider comment from the public on these regulatory amendments during the course of its regularly scheduled meetings. Meetings are held at One Penn Center, 2601 N. Third Street, Harrisburg, PA, generally the third Monday of every other month (February, April, June, August, October and December).**

## Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

**The regulation will change existing paperwork requirements in that barbershops will be required to notify the Board, on a form provided by the Board, of each student to be trained in the shop. Barbershops and barber schools are already required to keep quarterly reports of the hours earned by a student. The regulation requiring barbershops and barber schools to submit the quarterly reports to the Board, on a form provided by the Board, will not create any additional paperwork; it will only require them to provide reports that already exist.**

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

**The Board has perceived of no special needs of any subset of its licensees for whom special provisions should be made.**

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

**The regulation will be effective upon publication of the final form regulation in the Pennsylvania Bulletin.**

(31) Provide the schedule for continual review of the regulation.

**The Board will review the effectiveness of this regulation as part of its annual review process pursuant to Executive Order 1996-1.**



(8) Continued

The amendments to § 3.90 delete the requirement that the daily schedule at barber schools must be at least 7 but not more than 8 hours for each day the school is in session; allows for part-time student attendance at barber schools based upon the number of hours per day that the student is in attendance; deletes the requirement that each student devote at least 5 hours per day to practical work and replaces it with the requirement that each student shall have the opportunity to devote at least 60% of class time to practical work; permits a student to request a transfer of credits for hours or months of study between barbershops, regardless of whether the barbershop is in-state or out-of-state; and clarifies that credits can be transferred between a barbershop and a barber school, regardless of whether the barbershop or barber school is in-state or out-of state.

The amendment to § 3.103 adds a fee of \$30 for certification of student or student training hours.

(11) Continued

Under § 3.90, a student may request a transfer of credits for hours or months of study between a barbershop and a barber school. In recognition of the fact that a student may move from barbershop to barbershop, as well as between a barbershop and a barber school, the ability to request a transfer of credits between barbershops is being added to § 3.90. In recognition of the fact that we live in a mobile society, the ability to transfer credits without regard to whether the barbershop or barber school is in-state or out-of state is being added to § 3.90.

Under § 3.90, the requirement of a daily schedule of at least 7 but not more than 8 hours per day is being removed because the act removed this requirement on December 22, 2005. Also under § 3.90, part-time study is being added to reflect the fact that there are people who would like to attend barber school but, for various reasons, they cannot attend on a full-time basis. In permitting students to attend barber school on a part-time basis, it is necessary to delete the requirement that gives each student the opportunity to devote at least 5 hours per day to practical work and to replace it with the requirement that gives each student the opportunity to devote a portion of time to practical work.

Under § 3.103, a fee of \$30 for certification of student or student training hours is being added to cover the administrative cost of providing the certification.

(25) Continued

**§3.71 (notification of student training in the shop)**

***Delaware:*** The law provides for an apprenticeship program in the shops but does not require shops to notify the Board of each student who is training as an apprentice.

***Maryland:*** The law requires an individual to be registered with the Board before the individual may serve as an apprentice in a barbershop; the regulations contain apprenticeship registration requirements, one of which is approval by the Board; the regulations require the holder of a barbershop permit to ensure that all employees of the shop are properly licensed or registered.

***New Jersey:*** N/A (students only train in schools)

***New York:*** The law requires each applicant for a certificate of registration as an apprentice to apply to the Board for a certificate of registration.

***Ohio:*** N/A (students only train in schools)

***West Virginia:*** N/A (students only train in schools)

**§3.72 (submission of reports)**

***Delaware:*** No requirement for submission of reports to the Board.

***Maryland:*** For apprentices training in shops, the law requires the owner or a designated master barber to file a monthly report, on a form supplied by the Board, that states the progress of each apprentice barber employed by the barbershop and that identifies the master barber supervising each apprentice barber. The regulations clarify that the master barber who supervises an apprentice is responsible for filing the monthly reports.

***New Jersey:*** The regulations require schools to forward uniform time sheets of daily attendance records for each student to the office of the Board at the end of each month. There is not a similar regulation for shops because students do not train in shops.

***New York:*** No requirement for submission of reports to the Board.

***Ohio:*** The regulations require each barber school to report to the Board on or before the fifteenth of each month, the number of clock hours of each student and the total number of clock hours of all students in attendance during the preceding

month. There is not a similar regulation for shops because students do not train in shops.

*West Virginia:* No requirement for submission of reports to the Board.

### §3.90 (part-time study in barber schools)

*Delaware:* The law provides that school owners have the option of the amount of hours of training per day, not to exceed 10 hours, and are able to choose which days of the week the student works, provided the hours accumulated do not exceed 40 hours per week; however, upon a written agreement signed by the school owners and the student, the student may work more than 10 hours per day or 40 hours per week.

*Maryland:* The Board does not approve barber schools. They are approved by the State Board of Education or the Maryland Higher Education Commission.

*New Jersey:* The regulations provide for part-time study of 20 hours or less per week; full-time study of more than 20 hours per week up to a maximum of 40 hours per week; and designated make-up classes, provided that the total class hours for any week do not exceed 48.

*New York:* The Board does not regulate the study of barbering in schools; barbering schools are licensed pursuant to the education law.

*Ohio:* The regulations provide for part-time study of less than forty hours per week but require a student to be scheduled to attend school for a minimum of three clock hours per day.

*West Virginia:* There is no specific mention of part-time study. The regulations seem to indicate that part-time study is not an option, in that they require all school to establish regular school hours (not to exceed 8 hours in any 24 hours period) and they provide that all schools shall require that all students attend classes at least eighty percent of the time that they are enrolled in school.

### §3.90 (transfer of credits)

*Delaware:* The law and regulations do not include any provisions for transfer of credits.

*Maryland:* The law and regulations do not include any provisions for transfer of credits between barber shops; however, the law provides for transfer of credits between a barber school and a barbershop, if the barber school where the applicant completes the training is located in a detention center or correctional facility and if the barber school is approved by the State Department of Education or the Maryland Higher Education Commission or has a curriculum similar to one that is

approved by the State Department of Education or the Maryland Higher Education Commission.

*New Jersey:* The regulations provide for transfer of credits between in-state schools and out-of-state schools. There is not a similar regulation for shops because students do not train in shops.

*New York:* The Board does not regulate the study of barbering in schools; barbering schools are licensed pursuant to the education law.

*Ohio:* The regulations provide for transfer of credits from one barber school to another within the state of Ohio, upon obtaining written permission from the Board. There is not a similar regulation for shops because students do not train in shops.

*West Virginia:* The regulations provide for transfer of credits from out-of-state schools. There is not a similar regulation for shops because students do not train in shops.

**§3.103 (fee for certification of student or student training hours)**

*Delaware:* N/A (shops and schools are not required to submit quarterly reports to the Board)

*Maryland:* There is not a separate fee for certification of student hours. The regulation provides for a certification fee of \$25.00 to certify the licensing, registration or permit status and qualifications of any person.

*New Jersey:* Fee is not specified in statute or regulations.

*New York:* N/A (shops are not required to submit quarterly reports to the Board; schools are not regulated by the Board)

*Ohio:* There is not a separate fee for certification of student hours. The statute provides for a fee of \$40.00 for providing licensure information to an applicant whereas the regulations provide for a fee of \$25.00 for providing licensure information to an applicant.

*West Virginia:* N/A (the law does not require schools to submit quarterly reports to the Board)

# FEE REPORT FORM

**Agency:** State - BPOA

**Date:** 12/24/2007

**Contact:** Basil Merenda  
Commissioner, Bureau of Professional & Occupational Affairs

**Phone No.** 783-7192

## Fee Title, Rate and Estimated Collections:

Certify Student Status or Student Training Hours: \$30.00  
Estimated Biennial Revenue: \$2,250.00 (75 applications x \$30.00)

## Fee Description:

The fee will be charged to every applicant for certification of student status or student training hours.

## Fee Objective:

The fee should (1) offset the identifiable costs incurred by the State Board of Barber Examiners to process a request for certification of student status or student training hours and (2) defray a portion of the Board's administrative overhead.

## Fee-Related Activities and Costs:

Staff time-process application (0.75 hr)	14.70
Administrative Overhead:	<u>14.75</u>
Total Estimated Cost:	\$ 29.45
Proposed Fee:	\$ 30.00

## Analysis, Comment, and Recommendation:

It is recommended that a fee of \$30.00 be established for processing a request for certification of student status or student training hours.

Board Staff - receives request to report student status or student training hours recorded in Pennsylvania to another state board and/or out of state school, researches computer, microfilm or other files to retrieve information, transfers that information onto document submitted by requester, affixes Bureau seal onto documents, forwards as instructed by applicant.

FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

RECEIVED

2008 OCT -3 PM 1:19

INDEPENDENT REGULATORY  
REVIEW COMMISSION

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to  
form and legality. Attorney General

*Anthony M. Elliott*

BY: \_\_\_\_\_  
(DEPUTY ATTORNEY GENERAL)

SEP 24 2008

DATE OF APPROVAL

Copy below is hereby certified to be a true and correct  
copy of a document issued, prescribed or promulgated by:

State Board of Barber Examiners  
(AGENCY)

DOCUMENT/FISCAL NOTE NO. 16A-427

DATE OF ADOPTION: \_\_\_\_\_

BY: *Vincent Lacono*  
Vincent Lacono

TITLE: Chairman  
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

Copy below is approved as  
to form and legality.  
Executive or Independent  
Agencies.

*Andrew Clark*

BY: \_\_\_\_\_  
Andrew Clark

AUG 26 2008

DATE OF APPROVAL

(Deputy General Counsel  
~~Strike inapplicable title~~)

Check if applicable  
Copy not approved.  
Objections attached.

Check if applicable. No  
Attorney General approval or  
objection within 30 day after  
submission.

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF BARBER EXAMINERS  
49 PA. CODE, CHAPTER 3  
  
STUDENT RECORDS AND CURRICULUM

The State Board of Barber Examiners (Board) proposes to add § 3.71a (relating to notification) and to amend §§ 3.72, 3.87, 3.90 and 3.103, pertaining to student records in barbershops and barber schools, to read as set forth in Annex A.

**A. *Effective date***

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

**B. *Statutory Authority***

The proposed rulemaking is authorized under section 15-A.4(b) of the act of June 19, 1931 (P.L. 589, No. 202) (63 P.S. § 566.4(b)), known as the Barbers' License Law (act).

**C. *Background and Purpose***

Under section 3(a) of the act, (63 P.S. § 553), prior to taking the barber's license examination, an applicant is required to have completed a barbering study and training period of at least 1,250 hours in not less than 9 months in either a licensed barbershop under the instruction of a licensed teacher or a licensed manager-barber, or in a licensed barber school under the instruction of a licensed teacher. Section 5 of the act (63 P.S. § 555) requires barbershops and barber schools to keep a daily record of the attendance of each student. The Board's existing regulations require barbershops and barber schools to maintain student records for inspection by the Board. As of May 23, 2008, there were 20 barber schools in Pennsylvania as compared to 2,744 barbershops. Currently, the Board is not notified that a student is training in a barbershop. Due to the large number of barbershops, it is not feasible for the Board to inspect all of those shops to determine whether a student is training in a shop at any given point in time. If the Board cannot determine whether a student is training in a shop, then the Board cannot ensure that the shop is keeping proper records and that either a barber-manager or barber-teacher is instructing the student. In order to remedy this situation, the proposed rulemaking would require the shop owner or the shop owner's designee to notify the Board, on a form provided by the Board, of each student to be trained in the shop before the student begins training. It would also make it clear that the shop owner is responsible for ensuring that the Board is properly notified of each student to be trained in the shop and for maintaining all student records in a file available for inspection.

Section 5 of the act (63 P.S. § 555) was amended on June 28, 2002, to eliminate the requirement for barbershops and barber schools to keep a record of blood test results. Currently, §§ 3.72(a) and 3.87(a) (relating to student's records) require barbershops and barber schools to keep a student's blood test results on file. The proposed rulemaking would delete this requirement to be consistent with the amendments to the act.



Currently, § 3.72(b) requires a manager-barber or barber-teacher who is training a student in a barbershop to keep quarterly reports of the hours earned by the student. Likewise, § 3.87(b) requires barber schools to keep quarterly reports of the hours earned by the student. It is not feasible for the Board to inspect every barbershop and barber school on a quarterly basis to determine whether they are maintaining the quarterly hours as required. Therefore, in order to ensure that barbershops and barber schools are maintaining the quarterly hours as required, the proposed rulemaking would require barbershops and barber schools to submit quarterly reports to the Board of the hours earned by each student. In addition, barbershops and barber schools are currently required to maintain student records for a 5-year period and to forward the student's file to the Board if the shop or school closes within the 5-year period. Situations have arisen in which a barbershop or barber school has closed without forwarding its records to the Board, in which case some students have been unable to document that they had completed the training period required to take the barber's license examination. The proposed requirement that barbershops and barber schools submit quarterly reports of student hours to the Board would assure that students would not be adversely affected if a barbershop or barber school failed to preserve its records for a 5-year period as required.

On December 22, 2005, section 12(b) of the act (63 P.S. § 562(b)), was amended to delete the requirement that class and instruction hours in barber schools have to be not less than 7 nor more than 8 hours per day. Consistent with this statutory amendment, the proposed rulemaking would remove the same language that was deleted from the act. In its current form, § 3.90 (relating to student curriculum) does not address part-time work by students. Proposed amendments to § 3.90 would provide for part-time study by permitting a student to earn credit for the number of hours per day that the student is in attendance, up to a maximum of 8 hours of credit per day and 40 hours of credit per week. By permitting part-time study in barber schools, students who cannot attend barber school on a full-time basis will still have the opportunity to become barbers. In addition, the proposed rulemaking would delete the requirement that each student shall have the opportunity to devote at least 5 hours per day (out of the 7 to 8 previously required) to practical work and replaces it with the requirement that each student shall have the opportunity to devote at least 60% of class time to practical work.

The Board's current regulations provide that a student may request a transfer of credits for hours or months of study between a barbershop and a barber school if the student passes a test that is based on the number of hours attended and the subjects pursued and the test is devised by the shop or school to place him in the appropriate courses. However, they do not specify whether credits can be transferred from out-of-state barbershops and barber schools, nor do they provide for transfers of credits between barbershops. The proposed amendments would clarify that credits can be transferred between a barbershop and a barber school, or between barbershops, whether the barbershop or barber school is in-state or out-of-state.

Finally, the proposed rulemaking would add a fee of \$30 for certification of student status or student training hours. This fee will cover the administrative cost of providing the certification upon request.

**D. *Description of Proposed Amendments***

The proposed rulemaking proposes to add § 3.71a (relating to notification) to require the barbershop owner or shop owner's designee to notify the Board of students to be trained in a barbershop before the student begins training, so that the Board can keep track of students training in barbershops and ensure that they are properly trained and supervised. The proposed rulemaking would make it clear that the shop owner is responsible for ensuring that proper notification is provided to the Board.

The proposed rulemaking proposes to amend §§ 3.72 and 3.87 (relating to student's records) to require barbershops and barber schools, respectively, to submit quarterly reports of student hours to the Board so that the Board can ensure that the quarterly reports required under these sections are being properly kept and so that the Board will have a record of student hours in the event that barbershops and barber schools fail to preserve their records as required under these sections. The proposed rulemaking also proposes to amend § 3.72 to clarify that the barbershop owner is responsible for keeping a student's records in a file.

The proposed rulemaking would also amend §§ 3.72 and 3.87 to delete the requirement for barbershops and barber schools, respectively, to keep a student's blood test results on file. These amendments are consistent with an amendment to the act that deleted this requirement.

The proposed rulemaking proposes to amend § 3.90 (relating to student curriculum) to delete the requirement that the daily schedule at barber schools must be at least 7 but not more than 8 hours for each day the school is in session. This amendment is consistent with an amendment to the act that deleted this requirement. The proposed rulemaking also proposes to amend § 3.90 to allow for part-time student attendance at barber schools so that students who cannot attend school on a full-time basis will have the opportunity to become barbers. In addition, the requirement that each student shall have an opportunity to devote at least 5 hours per day to practical work has been amended to provide that each student shall have an opportunity to devote at least 60% of class time to practical work.

The proposed rulemaking would also amend § 3.90 to permit a student to request a transfer of credits for hours or months of study between barbershops, regardless of whether the barbershop is in-state or out-of-state and to clarify that credits can be transferred between a barbershop and a barber school, regardless of whether the barbershop or barber school is in-state or out-of state.

The proposed rulemaking proposes to amend § 3.103 (relating to fees) to include a fee of \$30 to cover the administrative cost of providing a certification of student status or student training hours.

**E. *Fiscal Impact and Paperwork Requirements***

The Board is unable to determine the specific costs associated with the proposed amendments, but it is anticipated that there will be some administrative costs to barbershops and schools in complying with the notification, recordkeeping and reporting requirements relating to students.

The proposed rulemaking will impose additional paperwork requirements upon the Commonwealth, with respect to maintaining records of students being trained in barbershops and with maintaining quarterly reports. The proposed rulemaking will impose a minimal paperwork requirement upon the private sector by requiring shop owners to notify the Board, on a form provided by the Board, of each student to be trained in the shop. Barbershops and barber schools are already required to keep quarterly reports of the hours earned by a student. The regulation requiring barbershops and barber schools to submit the quarterly reports to the Board will not create any additional paperwork; it will only require them to provide reports that should already exist.

**F. *Sunset Date***

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

**G. *Regulatory Review***

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 3, 2008, the Board submitted a copy of this proposed regulation and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review,

prior to final publication of the rulemaking, by the Board, the General Assembly, and the Governor of comments, recommendations or objections raised.

**H. *Public Comment***

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Christopher McNally, Board Counsel, State Board of Barber Examiners, P.O. Box 2649, Harrisburg, PA 17105-2649, within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Please reference No. 16A-427 (Student Records and Curriculum), when submitting comments.

Vincent Iacono  
Chairperson  
State Board of Barber Examiners

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART 1. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 3. STATE BOARD OF BARBER EXAMINERS**

\* \* \* \* \*

**STUDY IN BARBER SHOPS**

\* \* \* \* \*

**§ 3.71a. Notification**

(a) The shop owner or the shop owner's designee shall notify the Board, on a form provided by the Board, of each student to be trained in the shop. Notification shall be provided to the Board before the student begins training.

(b) The shop owner is responsible for ensuring that proper notification is provided to the Board under subsection (a).

**§ 3.72. Student's records.**

(a) [Student records shall be kept] The shop owner shall keep, at all times and for inspection by the Board's representative, a file of each student which shall include proofs of age, education, [blood test results,] daily attendance and progress. The file shall be provided to the student at the student's request. The file shall be maintained for at least 5 years, beginning with the date when the student studies in the shop. If the shop is closed within this 5-year period, the student's file shall be forwarded to the Board and the student shall be so notified by the shop.

\* \* \* \* \*

(c) The shop owner is responsible for ensuring that the quarterly reports required under subsection (b) are properly maintained by the manager-barber or barber-teacher.

(d) The shop owner shall submit to the Board, on a form provided by the Board, a quarterly report of the hours earned by each student trained in the shop. The quarterly reports shall be submitted to the Board by the following dates – April 15, July 15, October 15 and January 15 – for the preceding quarter. Each quarterly report must include the name and license number of the manager-barber or barber-teacher instructing the student and be personally signed by the shop owner and the student.

\* \* \* \* \*

### SCHOOLS OF BARBERING

\* \* \* \* \*

#### § 3.87. Student's records.

(a) Each school shall keep, at all times and for inspection by the [Board] Board's representative, a file of each student regarding proofs of age, education, [blood test results,] daily attendance and progress. The file shall be provided to the student at the student's request. The file shall be maintained for at least 5 years, beginning with the date when the student attends the school. If the school is closed within this 5-year period, the student's files shall be forwarded to the Board and the students shall be so notified by the school.

\* \* \* \* \*

(c) Each school shall submit to the Board, on a form provided by the Board, a quarterly report of the hours attended by each student. The quarterly reports shall be submitted by the following dates – April 15, July 15, October 15 and January 15 – for the preceding quarter. Each quarterly report must include the names and license numbers of teachers employed by the school and be personally signed by the owner and supervisor of the school.

\* \* \* \* \*

**§ 3.90. Student curriculum.**

(a) Each school shall post schedules showing the schedules of classes in theory and practical work. [The daily schedule shall be at least 7 but not more than 8 hours for each day the school is in session.] Each student shall have an opportunity to devote [at least 5 hours per day] at least 60% of class time to practical work. For each of these class periods the teacher in charge shall keep an accurate daily record of attendance and progress of each student.

(b) A student may earn credit for the number of hours per day that the student is in attendance.

(c) A student may earn a maximum of 8 hours of credit per day and a maximum of 40 hours of credit per week.

(d) \* \* \*

[(c)] (e) \* \* \*

[(d)] (f) \* \* \*

[(e)] (g) \* \* \*

[(f)] (h) \* \* \*

[(g)] (i) A student may request a transfer of credits for hours or months of study between a barbershop and [abarber] a barber school or between shops, whether the barbershop or barber school is in-state or out-of state, if the student passes a test which is based on the number of hours attended and the subjects pursued and is devised by the shop or the school to place [him] the student in the appropriate courses.

[(h)] (j) \* \* \*

\* \* \* \* \*

**§ 3.103. Fees.**

\* \* \* \* \*

Certification of student status or student training hours .....\$30

\* \* \* \* \*





COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS  
STATE BOARD OF BARBER EXAMINERS

Post Office Box 2649  
Harrisburg, Pennsylvania 17105-2649  
(717) 783-3402

October 3, 2008

The Honorable Arthur Coccodrilli, Chairman  
INDEPENDENT REGULATORY REVIEW COMMISSION  
14<sup>th</sup> Floor, Harristown 2, 333 Market Street  
Harrisburg, Pennsylvania 17101

Re: Proposed Regulation  
State Board of Barber Examiners  
16A-427: Student Records and Curriculum

Dear Chairman Coccodrilli:

Enclosed is a copy of a proposed rulemaking package of the State Board of Barber Examiners pertaining to student records and curriculum.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

A handwritten signature in black ink that reads "Vincent Iacono".

Vincent Iacono, Chairperson  
State Board of Barber Examiners

VI/CKMcN:klh

Enclosure

cc: Basil L. Merenda, Commissioner  
Bureau of Professional and Occupational Affairs  
Albert H. Masland, Chief Counsel  
Department of State  
Joyce McKeever, Deputy Chief Counsel  
Department of State  
Cynthia Montgomery, Regulatory Counsel  
Department of State  
Cynthia Montgomery, Senior Counsel in Charge  
Department of State  
Christopher K. McNally, Counsel  
State Board of Barber Examiners  
State Board of Barber Examiners

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

I.D. NUMBER: 16A-427  
 SUBJECT: STUDENT RECORDS AND CURRICULUM  
 AGENCY: DEPARTMENT OF STATE  
 STATE BOARD OF BARBER EXAMINERS

**TYPE OF REGULATION**

- Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
  - a. With Revisions
  - b. Without Revisions

RECEIVED  
 2008 OCT -3 PM 1:18  
 INDEPENDENT REGULATORY  
 REVIEW COMMISSION

**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
10/3/08	<i>J. M. Runy</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE MAJORITY CHAIRMAN <i>Mike Sturla</i>
10/3/08	<i>Mary Walmer</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE MAJORITY CHAIRMAN <i>Robert M. Tomlinson</i>
10/3/08	<i>Kathy Cooper</i>	INDEPENDENT REGULATORY REVIEW COMMISSION  ATTORNEY GENERAL (for Final Omitted only)
10/3/08	<i>Mayra Garcia</i>	LEGISLATIVE REFERENCE BUREAU (for Proposed only)