

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

Proposing rulemaking related to licensure of establishments and schools of barbering and cosmetology arts and sciences and providing an opportunity for public comment

The Board of Barbering and Cosmetology Arts and Sciences hereby proposes to rescind Chapter 61, “Licensure of Salons and Schools of Cosmetology Arts and Sciences,” and to adopt a new Chapter 61, “Licensure of Establishments and Schools of Barbering and Cosmetology Arts and Sciences,” Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 147.36, 157.14, 272C.2A, 272C.3, 272C.4 and 272C.10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 147, 157 and 272C.

Purpose and Summary

This proposed rulemaking clarifies the processes by which an individual may apply for licensure of establishments and schools in order to provide barbering and cosmetology arts and sciences services, as directed in statute. The rulemaking outlines the process for licensure, including renewal and reinstatement, for fixed and readily movable establishments. The rulemaking ensures public safety through identification of the limited services allowed outside of a licensed establishment and the requirement to inform the public when services are provided by nonlicensees, such as blow-dry stylists, students and apprentices, where applicable.

For the schools, the rulemaking describes the application process, course of study requirements, and physical requirements for schools of barbering and cosmetology arts and sciences, including minimum equipment requirements, classroom use, public notices, recordkeeping for student attendance, accelerated learning policies, and mentoring contracts.

The rulemaking also provides guidance for legacy license holders and legacy schools following the merger of the Board of Barbering with the Board of Cosmetology Arts and Sciences.

Public comment received at the November 21, 2023, public hearing from Sue Charles and the Iowa Cosmetology School Association was reviewed by the Board. After discussion, the Board agrees that licensees and the public benefit by incorporating many of the suggestions outlined below. Edits were made to ensure the term “salon” was replaced with “establishment” where appropriate. The term “barbering and” was added in front of “cosmetology arts and sciences” where applicable. In paragraph 61.2(2)“a,” language that was redundant with subparagraph 61.2(2)“a”(1) was removed. Duplicative language was stricken from rule 645—61.24(157) and moved to rule 645—61.6(157). The Board incorporated public comment requesting that rule 645—61.16(157) require the student instructor to be a license holder. Since the rule also requires student instructors to be under the direct supervision of a licensed instructor, schools will be responsible for ensuring their student instructors are teaching disciplines commensurate with the student instructor’s training and education.

The Board did not incorporate the following public comments for the following reasons.

Comment 1 related to subrule 61.4(1): A subrule stating the biennial license renewal period for establishments as January 1 on every odd-numbered year and December 31 two years later.

Comment 1: How will this rule apply to barbershop licenses which were issued with biennial renewal periods that occur in even-numbered years from July 1 to June 30? **Board response:** All

current expiration and renewal dates remain in force until further notice from the Department of Inspections, Appeals, and Licensing.

Comment 2 related to paragraph 61.12(3)“d”: A paragraph stating that dispensaries must include sanitation equipment required by 645—Chapter 63 and the list of potentially required items includes “sterilization equipment.” Sterilizing equipment is an outdated practice and does not need to be in the rules. **Board response:** There are services, such as electrolysis, that still require the use of sterilization equipment pursuant to 645—Chapter 63.

Comments 3 and 4 related to subrule 61.15(2): A subrule relating to instructors of shaving, microdermabrasion, chemical peels, lasers, and intense pulsed light services.

Comment 3: The proposed rule says that persons licensed as barbers prior to July 1, 2023, are not required to hold a shaving certificate to engage in the practice of shaving. The commenter says this language is redundant since this exception is already provided in subrule 60.4(5). **Board response:** The Board agrees the language is repetitive but recommends preserving the language since it provides greater clarity during this transition period. It also provides clarity about the state-issued certifications that employees of nonlicensed persons who own establishments may or may not be required to obtain in the employees’ course of employment.

Comment 4: A subrule prohibits instructors from performing services on school premises, except for demonstration purposes. This subrule should be removed because it conflicts with the new law in 2023 Iowa Acts, House File 652, which allows school spaces to be used for purposes other than instruction. **Board response:** The subrule has been modified to clarify that, for example, continuing education classes may be taught by an instructor in a school so long as the continuing education classes are consistent with rule 645—61.23(157), the new rule that prohibits disruptive activities in schools. However, the Board requested the commenter provide amplifying information explaining what kind of services they expect/desire instructors to be able to provide in schools. The Iowa Cosmetology School Association provided the example of allowing an off-duty instructor to rent a chair and provide services to the public inside the school on the clinic floor. The Board desires further comment from the public on this subrule, and whether the proposed subrule will be modified or remain the same will be determined at the next meeting of the Board.

Comments 5 and 6 related to rule 645—61.23(157): A rule authorizing licensed schools to engage in activities other than instruction so long as the activities do not disrupt class, then providing a nonexhaustive list of activities that would be disruptive.

Comment 5: One of the example activities that is inherently disruptive is “activities that usurp the space available for barbering and cosmetology arts and sciences instruction.” This contradicts the legal authorization for other activities since any activity unrelated to instruction would, by definition, “usurp” space that could be used for instruction. **Board response:** The Board is open to changing this to read “unreasonably usurp” or something similar. However, the Board requested additional information from the commenter on what kind of activities the commenter would like to be authorized under this rule. The Iowa Cosmetology School Association provided the example of allowing an off-duty instructor to rent a chair and provide services to the public inside the school on the clinic floor. The Board desires further comment from the public on this rule, and whether the proposed rule will be modified or remain the same will be determined at the next meeting of the Board.

Comment 6: This rule could be eliminated since the law already says that schools may engage in noninstruction activities, so long as they are not disruptive. **Board response:** The law also says that the Board must issue rules implementing the legal authorization for nondisruptive activities. Rather than trying to predict every potential kind of disruptive activity, the Board recommends repeating the statutory law mostly verbatim and leaving the meaning of “disruptive” open to the Board’s reasonable interpretation on a case-by-case basis.

The Iowa Cosmetology School Association provided the example of allowing an off-duty instructor to rent a chair and provide services to the public inside the school on the clinic floor. The Board replied by redirecting the Iowa Cosmetology School Association to Iowa Code chapter 157, which defines a “school license” and an “establishment license,” stating that the school is not precluded from obtaining an

establishment license for a space that would not be considered part of the licensed school. This comment is still under review by the Assistant Attorney General.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

A waiver provision is not included in this rulemaking because all administrative rules of the Board are subject to the waiver provisions accorded under 645—Chapter 18.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking. Written or oral comments in response to this rulemaking must be received by the Board no later than 4:30 p.m. on February 14, 2024. Comments should be directed to:

Venus Vendoures Walsh
Division of Licensing
Iowa Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321-1270
Phone: 515.242.6529
Email: venus.vendoures-walsh@idph.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

February 13, 2024 1:50 to 2:10 p.m.	6200 Park Avenue Des Moines, Iowa Video call link: meet.google.com/jji-jaoj-uqy Or dial: +1 904.330.1060 PIN: 744 558 427# More phone numbers: ttel.meet/jji-jaoj-uqy?pin=4753713549740
February 14, 2024 1:50 to 2:10 p.m.	6200 Park Avenue Des Moines, Iowa Video call link: meet.google.com/jji-jaoj-uqy Or dial: +1 904.330.1060 PIN: 744 558 427# More phone numbers: ttel.meet/jji-jaoj-uqy?pin=4753713549740

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 645—Chapter 61 and adopt the following **new** chapter in lieu thereof:

CHAPTER 61

LICENSURE OF ESTABLISHMENTS AND SCHOOLS OF BARBERING AND COSMETOLOGY
ARTS AND SCIENCES

645—61.1(157) Definitions. In addition to the definitions included in Iowa Code sections 157.1 and 84D.2 and 29 Code of Federal Regulations (CFR) §29.5 as amended on December 19, 2016, the following definitions apply to terms used in this chapter:

“Change in ownership” means any of the following: a new owner of a sole proprietorship; the addition, removal, or replacement of any co-owner(s) in a partnership; or a change of controlling interest in any corporation.

“Clinic area” means the area of the school where the paying customers will receive services.

“Dispensary” means a separate area to be used for storing and dispensing of supplies and sanitizing of all implements.

“Establishment license” means a license issued to an Iowa establishment, as defined in Iowa Code section 157.1(10A), to provide barbering and cosmetology arts and sciences services.

“Inactive license” means a license that has expired because it was not renewed by the end of the grace period. The category of “inactive license” may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

“Legacy curriculum” means a course of study and curriculum offered by barbering schools or cosmetology arts and sciences schools that, as applicable, comply with the administrative rules issued by the Iowa board of barbering or by the Iowa board of cosmetology arts and sciences that were in effect on June 30, 2023.

“Mentor” means a licensee providing guidance in a mentoring program.

“Mentoring” means a program allowing students in a school to experience barbering and cosmetology arts and sciences in a licensed establishment under the guidance of a mentor.

“On-the-job trainer” means the individual providing instruction and supervision of the apprenticeship program practical hours. This individual must be a licensee of the board in the discipline for which the individual is training, and the training must occur in a licensed establishment.

“School” means a school of barbering and cosmetology arts and sciences.

“School license” means a license issued to an establishment that is a fixed location for the instruction of students in barbering and cosmetology arts and sciences.

645—61.2(157) Establishment licensing. No person shall operate an establishment unless the owner has obtained a license issued by the board. A separate enclosed area inside an establishment that is operated as an independent business for the purpose of providing barbering and cosmetology services shall be considered its own establishment and shall not operate unless an establishment license is obtained. To determine what defines an independent contractor versus an employee, persons should contact the Iowa division of labor.

61.2(1) The owner shall complete a board-approved application form accompanied by the appropriate fees payable by check or money order to the board of barbering and cosmetology arts and sciences. The fees are nonrefundable. The application shall be completed according to the instructions contained in the application and submitted 30 days prior to the anticipated opening day. If

the application is not completed according to the instructions, the application will not be reviewed by the board.

61.2(2) Each establishment shall meet the requirements for sanitary conditions established in 645—Chapter 63 to be eligible for licensing. The establishment may be inspected for compliance with sanitation rules within 12 months following the issuance of the establishment license.

a. The establishment license may be for a fixed location or a location that is readily movable.

(1) Stationary establishment. A stationary establishment license shall be issued for a specific location. A change in location or site of a stationary establishment shall result in the cancellation of the existing license and necessitate application for a new license and payment of the fee required by 645—subrule 5.2(7). A change of address without a change of actual location shall not be construed as a new site.

(2) Readily movable establishment. A readily movable establishment license shall be issued for a permanent physical address. The licensee is required to provide a permanent physical address for board correspondence. A readily movable establishment may operate in a legal parking spot or on private property, with the permission of the owner or the owner's designee, anywhere in the state of Iowa, provided the readily movable establishment is operating in compliance with applicable federal and state transportation, environmental, and sanitary regulations, including those in this chapter and in 645—Chapter 63.

b. Establishment owner's contact information. The listed owner of either a stationary or readily movable establishment must update the board within 30 days of a change in contact information, which includes telephone number, email address, and mailing address.

61.2(3) Business may commence at the establishment following activation of the license.

61.2(4) Incomplete applications that have been on file in the board office for more than two years shall be considered invalid and shall be destroyed. The records will be maintained after two years only if the applicant submits a written request to the board.

61.2(5) An establishment license is not transferable.

a. A change in ownership of an establishment shall require the issuance of a new license.

b. An establishment cannot be sold if disciplinary actions are pending.

c. If an establishment owner sells the establishment, that owner must send the license certificate and a report of the sale to the board within ten days of the date on which the sale is final. The owner of the establishment on record shall retain responsibility for the establishment until the notice of sale is received in the board office.

d. The board may request legal proof of the ownership transfer.

e. If the name or the address of an establishment changes, the owner shall notify the board within 30 days of such change. Additionally, the owner shall return the current certificate and pay the reissued certificate fee as specified in rule 645—5.5(147,157).

645—61.3(157) Readily movable establishment. A mobile home, motor home, trailer, or other recreational vehicle may be used as a readily movable establishment if it complies with the following:

61.3(1) The owner shall possess a current readily movable establishment license issued by the board.

61.3(2) The owner shall complete a board-approved application.

61.3(3) The readily movable establishment's owner's telephone number, email address, and permanent address must be included on the application for licensure and must be updated and accurate.

61.3(4) No service may be performed on a client in a moving vehicle. Services shall be performed in a readily movable establishment that is parked in a legal parking spot.

61.3(5) Readily movable establishments must provide:

a. A supply of hot and cold water;

b. Adequate lighting;

c. A floor surface in the service area that is nonabsorbent and easily cleanable;

d. Work surfaces that are easily cleanable;

e. Cabinets secured with safety catches wherein all chemicals shall be stored when the vehicle is moving;

f. A first-aid kit that includes adhesive dressing, gauze and antiseptic, tape, triple antibiotics, eyewash, and gloves.

61.3(6) A readily movable establishment must comply with all rules in 645—Chapter 63, “Infection Control for Establishments and Schools of Barbering and Cosmetology Arts and Sciences,” except rules 645—63.6(157) through 645—63.8(157).

645—61.4(157) Establishment license renewal.

61.4(1) The biennial license renewal period for an establishment license shall begin on January 1 of every odd-numbered year and end on December 31 two years later.

61.4(2) A renewal of license notice shall be electronically mailed to the owner of the establishment prior to the expiration of the license. Failure to receive the renewal notice shall not relieve the owner of the obligation to pay the biennial renewal fee on or before the renewal date.

61.4(3) An establishment that is issued a license within six months of the license renewal date will not be required to renew the license until the next renewal two years later.

61.4(4) The establishment owner shall submit the completed application with the renewal fee to the board office before the license expiration date.

61.4(5) An establishment shall be in full compliance with this chapter and 645—Chapter 63 to be eligible for renewal. When all requirements for license renewal are met, the establishment shall be issued a license renewal.

61.4(6) If the renewal fee and renewal application are received in the office after the license expiration date, but within 30 days following the expiration date, the late fee for failure to renew before expiration shall be charged.

645—61.5(272C) Inactive establishment license.

61.5(1) An establishment that has not renewed the establishment license within the required time frame will have an inactive license and shall not provide barbering and cosmetology arts and sciences services until the license is reactivated.

61.5(2) To reactivate an establishment license, the reactivation application and fee shall be submitted to the board office.

645—61.6(157) Display requirements for establishments.

61.6(1) Every establishment shall have a sign visible outside the entrance designating the place of business.

61.6(2) The most current establishment license proof of renewal shall be posted in the establishment front entrance area to provide the public a full, unobstructed view of the license.

61.6(3) The most current license proof of renewal for each licensee working in the establishment shall be posted in the establishment front entrance area to provide the public a full, unobstructed view of the license.

61.6(4) If the licensee works in more than one establishment, the current proof of renewal shall be posted in the primary place of practice, and the licensee shall be able to provide the renewal upon request.

61.6(5) If a licensed establishment is operating an apprenticeship program, a sign shall be clearly displayed in the entrance of such establishment that indicates in prominent lettering that apprentices are employed at the establishment and may perform services under the supervision of a licensed apprenticeship supervisor.

61.6(6) If any blow-dry stylist(s) engage in the practice of blow-dry styling at a licensed establishment, a sign shall be clearly displayed in the entrance of such establishment that indicates in prominent lettering that blow-dry stylist(s) perform limited services, as defined in Iowa Code section 157.12C, in the licensed establishment.

61.6(7) Each licensee, blow-dry stylist and apprentice shall have a valid U.S. government-issued photo ID to provide to an agent of the board upon request as proof of identity.

645—61.7(147) Duplicate certificate for establishments.

61.7(1) A duplicate certificate shall be required if the current certificate is lost, stolen or destroyed. A duplicate certificate shall only be issued under such circumstances.

61.7(2) A duplicate establishment certificate shall be issued upon receipt of a completed application and receipt of the fee as specified in 645—subrule 5.5(5).

61.7(3) If the board receives a completed application stating that the owner of the establishment has not received the certificate within 60 days after the certificate is mailed by the board, no fee shall be required for issuing the duplicate certificate.

645—61.8(157) Licensure for schools of barbering and cosmetology arts and sciences.

61.8(1) An application for a school license shall be submitted 90 days prior to the anticipated opening day of the school. Prior to board review, the application shall include:

a. The exact location of the proposed school including a copy of the essential parts of the lease or other documents to provide proof that the owner of the school has occupancy rights for a minimum of one year; a complete plan of the physical facilities; and an explanation detailing how the facilities will be utilized relative to classrooms, clinic space, and a mentoring program;

b. A list of the names of licensed instructors including the school director(s) for the proposed school if the instructors and school director(s) have been hired by the school at the time of application;

c. Copies of the catalog, brochure, enrollment contract, student policies, and cancellation and refund policies that will be used by the school or distributed by the school to students and the public; and

d. The school's course of study and curriculum, which shall meet the course of study requirements outlined in rule 645—61.14(157).

61.8(2) Prior to issuance of the school license, the school shall:

a. Submit a final list of licensed instructors and director(s) hired for the school. The number of instructors must meet the requirement outlined in Iowa Code section 157.8, with the exception of instructors for the mentoring program; and

b. Meet the requirements of this chapter and 645—Chapter 63 and pass the board's inspection of the facility.

61.8(3) The school owner may be interviewed by the board during the review of the application.

61.8(4) After all criteria have been met, the school license shall be granted for the location identified in the school's application.

61.8(5) Instruction of students shall not begin until the school license is activated.

61.8(6) The school must provide proof of registration with the Iowa college student aid commission.

61.8(7) Incomplete applications that have been on file in the board office for more than two years shall be considered invalid and shall be destroyed. The records shall be maintained after two years only if the applicant submits a written request to the board.

61.8(8) Existing school license, new location. A change of location shall require submission of an application for a new school license and payment of the license fee 90 days in advance of the anticipated date of opening. A change of address without a change of actual location shall not be construed as a new site.

61.8(9) Existing school license, new name. The owner shall notify the board in writing of a change of name within 30 days after the occurrence. In addition, the owner shall return the current certificate and pay the reissued certificate fee as specified in rule 645—5.5(147,157).

61.8(10) Existing school license, change of ownership. A school license is not transferable. A change in ownership of a school shall require the issuance of a new license. A school cannot be sold if disciplinary actions are pending.

a. The board may request legal proof of the ownership transfer.

b. If a school owner sells the school, that owner must send the license certificate and a report of the sale to the board within ten days of the date on which the sale is final. The owner of the school on record shall retain responsibility for the school until the new school owner has been issued an active school license.

c. The new school owner shall follow all requirements as outlined in rule 645—61.8(157).

61.8(11) Any school licensed as a barber school under rule 645—23.2(158) prior to [the effective date of this rulemaking] will, upon successful renewal, receive a license as a school of barbering and cosmetology arts and sciences. Any school licensed as a cosmetology arts and sciences school under this chapter prior to [the effective date of this rulemaking] will, upon successful renewal, receive a license as a school of barbering and cosmetology arts and sciences.

This rule is intended to implement Iowa Code sections 147.80, 157.6 and 157.8.

645—61.9(157) School license renewal.

61.9(1) The annual license renewal period for a school license shall begin on July 1 and end on June 30 one year later.

a. The online renewal application and renewal fee shall be submitted before the license expiration date.

b. Schools shall be in full compliance with this chapter and 645—Chapter 63 to be eligible for renewal. When all requirements for license renewal are met, the school shall be issued a license renewal.

c. Schools shall successfully complete the annual inspection pursuant to Iowa Code sections 157.6 and 157.8.

61.9(2) A school that is issued a license within six months of the license renewal date will not be required to renew the license until the next renewal one year later.

61.9(3) If the renewal fee and renewal application are submitted after the license expiration date, but within 30 days following the expiration date, the late fee for failure to renew before expiration shall be charged.

645—61.10(272C) Inactive school license.

61.10(1) If the renewal application and fee are not received in the office within 30 days after the license expiration date, the school license is inactive. To reactivate the school license, the reactivation application and fee shall be submitted to the board.

61.10(2) A school that has not renewed the school license within the required time frame will have an inactive license and shall not provide schooling or services until the license is reactivated.

645—61.11(157) Display requirements for schools.

61.11(1) Every school shall have a sign visible outside the entrance designating the place of business.

61.11(2) A school license and the current proof of renewal shall be posted in the school's front entrance area to provide the public a full unobstructed view of the license.

61.11(3) The current license proof of renewal for each instructor working at the school shall be posted in the school's front entrance area to provide the public a full unobstructed view of the license.

61.11(4) Advertisements for a school of barbering and cosmetology arts and sciences shall indicate that all services are performed by students under the supervision of instructors.

61.11(5) A sign shall be clearly displayed in the entrance of a school of barbering and cosmetology arts and sciences that indicates in prominent lettering that students perform all services under the supervision of instructors.

645—61.12(157) Physical requirements for schools of barbering and cosmetology arts and sciences.

The school shall meet the following physical requirements:

61.12(1) The school premises shall have a minimum floor space of 3,000 square feet.

61.12(2) Each school shall provide a minimum of 100 square feet per student. When the enrollment in a school exceeds 30 students, additional floor space of 30 square feet shall be required for each additional student enrolled in the school.

61.12(3) Each licensed school offering a full barbering and cosmetology arts and sciences curriculum shall provide the following:

a. At least one clinic area where the paying public will receive services. The clinic area shall be confined to the premises occupied by the school.

b. A theory classroom(s) separate from the clinic area.

c. A library that is maintained for students and consists of textbooks, current trade publications and business management materials.

d. A separate area that shall be used as a dispensary. The dispensary shall be equipped with a lavatory, shelves or drawers for storing chemicals, cleansing agents and items, sterilization equipment and any other sanitation items required by 645—Chapter 63. Clean items and dirty items in the dispensary must be kept separated as required by 645—Chapter 63.

e. Two restrooms that are equipped with toilets, lavatories, soap and disposable paper towel dispensers.

f. A laundry room that is separated from the clinic area by a full wall or partition. Students may not lounge, eat, practice or study in the laundry room.

g. A separate room that is equipped for the practice of esthetics and electrology.

h. An administrative office.

61.12(4) Each licensed school offering a single discipline barbering and cosmetology arts and sciences curriculum shall provide the same physical space as outlined in subrule 61.12(3). Single discipline schools are exempt from paragraph 61.12(3)“g” if the board did not originally approve an electrology or esthetics course of study in the curriculum.

This rule is intended to implement Iowa Code sections 157.6 and 157.8.

645—61.13(157) Minimum equipment requirements. Each school of barbering and cosmetology arts and sciences shall have the following minimum equipment:

1. Workstations equipped with chair, workstation, closed drawer or container for sanitized articles, and mirror (maximum of two students per unit);
2. Treatment room(s) when electrology or esthetics or both are offered;
3. One set of hard-copy or electronic textbooks for each student and instructor;
4. Adequate number of shampoo bowls and chairs with headrests located in the clinic area and readily accessible for students and clients if the school offers a curriculum course in barbering and cosmetology;
5. Adequate equipment to perform all services in a safe and sanitary manner;
6. Audiovisual equipment available for each classroom;
7. Chair and table area for each student in the classroom;
8. One set of files maintained for all required records; and
9. Labeled bottles and containers showing intended use of the contents.

This rule is intended to implement Iowa Code sections 157.6 and 157.8.

645—61.14(157) Course of study requirements. A school of barbering and cosmetology arts and sciences shall not be approved by the board of barbering and cosmetology arts and sciences unless it complies with the course of study requirements as provided below.

61.14(1) Requirements for hours.

a. *Barbering and cosmetology curriculum.* Supervised practical instruction, theory and demonstrations totaling 1,550 hours must include core life sciences hours and all practices within the scope of Iowa Code section 157.1(1).

Core life sciences	150 hours
Barbering and cosmetology theory (including business and management related to the practice of barbering and cosmetology)	440 hours
Total core life sciences and barbering and cosmetology theory:	590 hours
Applied practical instruction	960 hours
Total course of study	1550 hours (51 semester credit hours)

b. *Electrology curriculum.* Supervised practical instruction, theory and demonstrations totaling 425 hours must include core life sciences hours and all practices within the scope of Iowa Code section 157.1(10).

Core life sciences	150 hours
Electrology theory	50 hours
Applied practical instruction	225 hours
Total course of study	425 hours (14 semester credit hours)

c. *Esthetics curriculum.* Supervised practical instruction, theory and demonstrations must include core life sciences hours and all practices within the scope of Iowa Code section 157.1(13).

Core life sciences	150 hours
Esthetics theory	115 hours
Applied practical instruction	335 hours
Total course of study	600 hours (20 semester credit hours)

d. *Nail technology curriculum.* Supervised practical instruction, theory and demonstrations must include core life sciences hours and all practices within the scope of Iowa Code section 157.1(25).

Core life sciences	150 hours
Nail technology theory	50 hours
Applied practical instruction	125 hours
Total course of study	325 hours (11 semester credit hours)

Proof of curriculum requirements may be submitted to the board by either the clock hour or semester credit hour standard. Semester credit hours or the equivalent thereof shall be determined pursuant to administrative rules and regulations promulgated by the U.S. Department of Education.

61.14(2) Curriculum requirements.

a. Theory instruction shall be taught from a standard approved textbook but may be supplemented by other related textbooks. Online coursework is allowed for theory instruction.

b. Course subjects taught in the school curriculum, including skills and business management, shall relate to the specific practice discipline.

c. Required hours for theory and applied practical hours do not have to be obtained from one school.

d. Core life sciences curriculum hours shall be transferable in their entirety from one practice discipline to another practice discipline. Online coursework is allowed for core life sciences instruction.

e. Clock hours may be converted to credit hours using a standard, recognized method of conversion. Only hours from accredited or board-approved school programs will be accepted.

61.14(3) Core life sciences curriculum. The core life sciences curriculum shall contain the following instruction:

- a. Human anatomy and physiology:
Cell, metabolism and body systems,
Human anatomy;
- b. Bacteriology;
- c. Infection control practices:
Universal precautions,
Sanitation,
Sterilization,
Disinfection;
- d. Basic chemistry;
- e. Matter;

- f.* Elements:
 - Compounds and mixtures;
- g.* Basic electricity;
- h.* Electrical measurements:
 - Reproduction of light rays,
 - Infrared rays,
 - Ultraviolet rays,
 - Visible rays/spectrum;
- i.* Safety;
- j.* Hygiene and grooming:
 - Personal and professional health;
- k.* Professional ethics;
- l.* Public relations; and
- m.* State and federal law, administrative rules and standards.

61.14(4) The school shall maintain a copy of the curriculum plan as directed by the school's accrediting agency or, if not subject to an accrediting agency, for a minimum of three years after the curriculum plan was taught by the school.

61.14(5) A school initially licensed after [the effective date of this rulemaking] must offer a curriculum and course of study for one or more practice disciplines as prescribed in subrules 61.14(1) through 61.14(3).

61.14(6) For a school licensed prior to [the effective date of this rulemaking], the following provisions apply:

- a.* Students enrolling in the school on or after August 1, 2024, must be taught a curriculum and course of study for one or more practice disciplines as prescribed by subrules 61.14(1) through 61.14(3).
- b.* Students enrolling in the school prior to August 1, 2024, may either be taught:
 - (1) A curriculum and course of study for one or more practice disciplines as prescribed by subrules 61.14(1) through 61.14(3); or
 - (2) A legacy curriculum in one or more practice disciplines. Any student graduating from a school after completing a legacy curriculum pursuant to this subrule will satisfy the education requirement for licensure as provided in 645—subparagraph 60.2(1)“c”(1).

645—61.15(157) Instructors. All instructors in a school of barbering and cosmetology arts and sciences shall be licensed by the department.

61.15(1) An instructor teaching a course in electrology, esthetics or nail technology shall also hold a license in that practice discipline or hold a barbering and cosmetology license that shows proof of having completed training in those practices equivalent to that of a license holder in that practice.

61.15(2) An instructor teaching a course in shaving, microdermabrasion, chemical peels, intense pulsed lights (IPLs) and lasers shall be certified by the state of Iowa to provide each of the services, as set forth in rule 645—60.4(157). An individual who was licensed as an Iowa barber prior to July 1, 2023, is not required to hold an Iowa board-issued shaving certificate.

61.15(3) A minimum of two instructors shall be employed on a full-time basis for up to 30 students and an additional instructor for each additional 15 students.

- a.* The number of instructors for each school of barbering and cosmetology arts and sciences shall be based upon total enrollment.
- b.* A student instructor shall not be used to meet licensed instructor-to-student ratios.
- c.* A school with less than 30 students enrolled may have one licensed instructor on site in the school if offering only clinic services or only theory instruction in a single classroom and less than 15 students are present.
- d.* If a school is offering clinic services and theory instruction simultaneously to less than 15 students, at least two licensed instructors must be on site.
- e.* Area community colleges operating a school prior to September 1, 1982, with only one instructor per 15 students are not subject to this subrule and may continue to operate with the ratio of one

instructor to 15 students. A student instructor shall not be used to meet licensed instructor-to-student ratios.

61.15(4) An instructor shall:

- a.* Be responsible for and in direct charge of all physical and virtual core and theory classrooms and practical classrooms and clinics at all times;
- b.* Familiarize students with the different standard supplies and equipment used in establishments; and
- c.* Not perform barbering and cosmetology arts and sciences services, with or without compensation, on the school premises except for demonstration purposes, such as continuing education classes consistent with rule 645—61.23(157).

This rule is intended to implement Iowa Code chapter 157.

645—61.16(157) Student instructors. A student instructor shall be a license holder in the barbering and cosmetology arts and sciences. Each student instructor shall be under the direct supervision of a licensed instructor at all times.

645—61.17(157) Students.

61.17(1) A school of barbering and cosmetology arts and sciences shall, prior to the time a student is obligated for payment, inform the student of all provisions set forth in Iowa Code section 714.25. The school shall retain a copy of the signed statement for two years following the student's graduating or leaving the program.

61.17(2) Students shall:

- a.* Wear clean and neat uniforms at all times during school hours and during the mentoring program;
- b.* Be supervised by a licensed instructor at all times except in a mentoring program when the students shall be under the guidance of a mentor;
- c.* Be provided regularly scheduled breaks and a minimum of 30 minutes for lunch;
- d.* Attend school no more than eight hours a day. Schools may offer additional hours to students who submit a written request for additional hours;
- e.* Receive no compensation from the school for services performed on clients;
- f.* Provide services to the public only after completion of a minimum of 10 percent of the course of study;
- g.* Not be called from theory class to provide services to the public;
- h.* Not be required to perform janitorial services or be allowed to volunteer for such services. Sanitation of the bathroom area shall be limited to replacing products and disinfecting the vanity and mirror surfaces. Sanitation of the toilet and bathroom floor areas is not to be performed by the student and is excluded from student sanitation duty; and
- i.* Receive no credit or hours for decorating for marketing or merchandising events or for participating in demonstrations of cosmetology arts and sciences when the sole purpose of the event is to recruit students and the event is outside the curriculum course.

645—61.18(157) Attendance requirements.

61.18(1) A school of barbering and cosmetology arts and sciences shall have a written, published attendance policy.

61.18(2) Schools shall ensure:

- a.* Students complete the hours required for each course of study set forth in rule 645—61.14(157).
- b.* Student attendance policies are applied uniformly and fairly for all physical and virtual classes.
- c.* Appropriate credit is given for all hours earned.
- d.* All retake tests and projects to be redone are completed without benefit of additional hours earned. Time scheduled for such work will be scheduled at the school's discretion.
- e.* Hours or credit is not added to the cumulative student record as an award or deducted from the cumulative student record as a penalty.

f. Work that must be done for missed hours must be allowed. The student must be given full credit for hours earned.

61.18(3) Pursuant to the federal Department of Education and accrediting standards agency, the school may adopt an absence policy not to exceed 10 percent of required coursework for doctor's excuses and life events. In no way shall this policy create a penalty for the student nor excuse the student from the remaining 10 percent of required coursework.

This rule is intended to implement Iowa Code chapter 157.

645—61.19(157) Accelerated learning.

61.19(1) A school may adopt an accelerated learning policy that includes the acceptance of life experience, prior knowledge learned and test-out procedures.

61.19(2) If the school has an accelerated learning policy, the policy shall be a written, published policy that clearly outlines the criteria for acceptance and hours or credit granted or for test-out procedures. The hours or credit granted for accelerated learning shall not exceed 20 percent of the student's entire course of study and shall be documented in the participating student's file.

a. After completion of all entrance requirements, a student may elect to sit for one or more academic written tests to evaluate the knowledge about subject matter gained from life experience or prior learning experience.

b. A student in a barbering and cosmetology arts and sciences course of study may be allowed to test out of a subject by sitting for final examinations covering the basic knowledge gained by a student who attends class sessions, or the school may accept and grant hours for prior or concurrent education and life experience.

c. A student who wishes to receive test-out credit or be granted hours for prior or concurrent education or life experience shall have maintained the academic grades and attendance policy standards set by the school.

d. The school may limit the number of times a student is allowed to sit for a test-out examination of a subject.

645—61.20(157) Mentoring program. Each barbering and cosmetology arts and sciences school must have a contract between the student, the school and the establishment mentor that includes scheduling, liability insurance and purpose of the mentoring program.

61.20(1) Students shall not begin the mentoring program until they have completed a minimum of 50 percent of the total contact or credit hours and other requirements of the mentoring program established by the school.

61.20(2) Students may participate in a mentoring program for no more than 5 percent of the total contact or credit hours.

61.20(3) Students shall be under supervision of the mentor at all times. Students may perform the following: drape, shampoo, remove color and perm chemicals, remove perm rods, remove rollers, apply temporary rinses, apply reconditioners and rebuilders with the recommendation of the mentor, remove nail polish, file nails, perform hand and arm massage, remove cosmetic preparations, act as receptionist, handle retail sales, sanitize establishment, consult with client (chairside manners), perform inventory, order supplies, prepare payroll and pay monthly bills, and hand equipment to the mentor.

61.20(4) The establishment mentor's responsibilities include the following: introduce the student to the establishment and the client, record the time of the student's attendance in establishment, prepare evaluation, discuss performance, and allow the student to shadow.

61.20(5) An establishment or school shall not compensate students when the students are participating in the mentoring program.

645—61.21(157) Graduate of a school of barbering and cosmetology arts and sciences.

61.21(1) A student shall be considered a graduate when the student has completed the required course of study and met the minimum attendance standard.

61.21(2) Students shall be given a final examination upon completion of the course of study but before graduation.

61.21(3) After passage of the final examination and completion of the entire course of study including all project sheets, students shall be issued a certificate of completion of hours required for the course of study.

645—61.22(157) Records requirements.

61.22(1) Each school of barbering and cosmetology arts and sciences shall maintain a complete set of student records. Individual student hours shall be kept on file at the school for two years following graduation.

61.22(2) Each school shall maintain daily teaching logs for all instructors, which shall be kept on file at the school for two years.

61.22(3) Prior to closure, the controlling school shall establish agreements with another school to maintain student and graduate transcripts and records. Prior to closure, the controlling school shall also notify the board in writing of the location of student records as established by the maintenance agreements and shall submit a copy of the maintenance agreements to the board. Provisions in the agreement must include maintenance of student transcript records for a period of no less than two years.

645—61.23(157) Classrooms used for other educational purposes. The licensed school of barbering and cosmetology arts and sciences may be used during scheduled theory or applied practical time for any use other than for student instruction so long as these activities do not disrupt classes. Activities that disrupt classes include but are not limited to:

61.23(1) Persons attending other educational classes passing through a classroom or clinic area (en masse) while it is in use.

61.23(2) Activities with noise levels that are disruptive to other classes.

61.23(3) Activities that usurp the space available for barbering and cosmetology arts and sciences instruction.

These rules are intended to implement Iowa Code chapters 157 and 272C.