

240 CMR 4.00: OPERATION OF COSMETOLOGY SCHOOLS AND POST-SECONDARY INSTITUTIONS

Section

- 4.01: Licensure
- 4.02: Premises
- 4.03: Conduct of Operations
- 4.04: Curriculum
- 4.05: Brush-Up and Advanced Training
- 4.06: Crossover Licensure
- 4.07: Public/Vocational Secondary and Post-Secondary School Programs
- 4.08: Minimum Hours for Examination Qualification
- 4.09: Licensed Private Occupational Schools

4.01: Licensure

(1) For purposes of 240 CMR 4.00, and unless otherwise stated, the term “school” shall include “post-secondary institution” as defined by General Laws c. 112, §§ 87T and 87JJ as amended.

(2) No person or entity shall operate a ~~cosmetology~~ school of cosmetology, aesthetics or manicuring without a license issued by the Board or by the Division of Professional Licensure Office of Private Occupational School Licensure.

(~~2~~3) Each applicant for a license to conduct a ~~cosmetology~~ school of cosmetology, aesthetics or manicuring shall submit to the Board:

- (a) A certificate of occupancy or other authentic form issued by the appropriate city or town approving the premises intended to be used as a school. Such certificate or form shall be submitted to the Board prior to final inspection and approval by the Board;
- (b) ~~a bond of \$10,000 if enrollments do not exceed 25 students, which shall be subject of the approval by the Board;~~
- (~~e~~) A bond of \$20,000 ~~if the enrollments are 25 students or more;~~
- (~~d~~c) A ~~true~~ copy of the Board approved student contract enrollment agreement including a refund policy which complies with G.L. c. 255, § 13K and a minimum of for at least 25 full-time students for first enrollment;
- (~~e~~d) A detailed outline of the school curriculum;
- (~~f~~e) A detailed professional floor plans;
- (f) A list of all equipment to be used in the curriculum;
- (g) An initial enrollment report signed by the applicant which shall contain a list of at least 25 students, together with copies of birth certificates or other proofs that the students enrolled are at least 16 years of age; and
- (h) A statement signed by the applicant that the school shall have an adequate library.

(~~4~~3) No school ~~shall~~ be conducted or advertised as a salon or shop. No salon or shop shall be conducted or advertised as a school.

(~~5~~4) With the exception of annexes described in 240 CMR 4.02(12), a A-school license is valid only for the location named in the license and is not transferable. School licensees must

~~immediately~~ notify the Board in writing at least 30 days in advance of the sale, ~~or~~ change in ownership ~~of or~~ management, or closure of a school. A school licensee seeking to change the location of the school ~~shall~~ notify the Board in writing at least 30 days before such change. Upon approval of a new location by the Board, the Board shall cancel the license for the previous location and re-issue a license to the licensee bearing the same number as the license for the previous location and indicating the new location. Each school shall display its license in a conspicuous place near its administrative area.

4.02: Premises

- (1) School premises shall be large enough to accommodate:
 - (a) a clinic area for at least 25 students, with not less than 20 square feet of area for each student;
 - (b) a lecture room with a minimum of 25 arm chairs properly equipped for demonstration or practical purposes; and
 - (c) a basic room completely separated from the lecture and clinic rooms sufficiently large to accommodate 25 students.
- (2) Every school shall have, and ~~shall~~ maintain in good working condition, equipment appropriate and sufficient for its student body. The following shall be the minimum equipment required at all times at a licensed school:
 - Ten Shampoo Sinks and Chairs
 - 25 All-Purpose Chairs
 - Ten Dryers With Accompanying Chairs
 - ~~4.02: continued~~
 - Two Marcel Stoves and Irons
 - One Heat Lamp
 - One Steamer
 - Six Heating Caps
 - Ten Manicure Tables
 - Ten Manicure Sterilizers
 - 12 Complete Sets of Cold Waving Equipment
 - 25 Wet Hospital Grade Sterilizers or More as Needed for One per Student
 - Five Dry Sterilizers
 - Two Haircutting Clippers with Attachments
- (3) Every school shall provide each student with a separate locker space sufficiently large to keep students' effects.
- (4) Every school shall maintain ~~separate~~ lavatories for men and women in accordance with applicable law and regulation.
- (5) All sanitary regulations (240 CMR 3.00) applicable to salons shall in every respect apply to schools. Each school shall follow procedures to ensure that school premises, equipment and personnel meet reasonable sanitary and safety conditions.
- (6) Every school shall at all times be in the charge of and under the immediate supervision of licensed instructors.

(7) Every school shall regularly employ or have in attendance during school hours at least two approved instructors for 25 students or less, and shall employ or have in attendance one instructor or assistant instructor or lecturer for each additional 25 students or less. No instructor, ~~or~~ assistant instructor or lecturer may supervise or teach more than one class at the same time.

(8) Instructors in schools shall be licensed instructors or approved lecturers competent to impart instruction –in those branches of cosmetology which they teach. Instructors, assistant instructors and lecturers shall not be permitted to perform any work on a paying customer on school premises except incidentally to instruct students in the school clinic.

(9) No school shall, directly or indirectly, accept any remuneration or make any charge for services rendered by its students in the course of their practical training. However, a school may impose a reasonable charge for ~~materials used only~~ costs related to services.

(10) No school shall permit any student to practice hairdressing, manicuring or aesthetics on a person paying for work.

(11) Every school shall display, in conspicuous places or at each of its entrances, signs in display lettering at least two inches in height stating the following:

ALL WORK IN THIS SCHOOL IS DONE BY STUDENTS. CHARGE FOR MATERIALS USED ONLY COSTS RELATED TO SERVICES. NO CHARGE FOR SERVICES.

(12) Annexes. After obtaining Board approval, any school licensed by the Board may offer instruction at a separate street address in addition to the street address indicated on its license, and such additional street address shall be referred to as an “Annex” in 240 CMR and shall be subject to the following requirements:

(a) A school wishing to obtain Board approval to operate an Annex must submit an application completely and properly filled out in the manner prescribed by the Board, attested to under the pains and penalties of perjury by the same individual who has obtained the license to operate the school. The application must include a complete description of the intended use of the Annex.

(b) Applications for an Annex must include a floor plan meeting the following requirements:

1. The floor plan must identify the function the Annex is being used for, such as for lecture/basic room purposes.
2. Annexes may not be utilized for clinics.
3. Publicly available lavatories that are easily accessible to students must be open for use at all times the Annex is utilized.

(c) Applications must include a copy of a local occupancy certificate, building permit, or Board approved equivalent.

(d) The Board may require a site visit prior to approving the use of an Annex.

(e) Schools must be licensed for at least six months prior to seeking approval for the use of an Annex. However, in the event an existing school with a Board approved Annex requires a new license due to a proposed change of ownership, the new owner, once licensed, may continue to utilize the existing Annex.

(f) No schools may utilize an Annex to meet the basic premises requirements of 240 CMR 4.02. However, a school that is unable to utilize its main location due to a renovation or other documented hardship may petition the Board for a temporary exemption from this requirement for good cause.

(g) A school may be approved to use multiple Annexes.

(h) Annexes must operate under the same ownership, authority, and administrative policies and procedures as the originally licensed school facility. Any operations in a Board approved Annex shall be deemed as operations under the school's license. In addition, Annexes shall observe the following operational requirements:

1. Annexes may be utilized for administrative processes such as student support services and maintenance of student records only if identified on the floor plan. Records must always be available for Board inspection.
2. Annexes are subject to Board inspection at any time, and a schedule describing the times and specific uses of Annexes must be available at all times and provided to the Board upon request.
3. Annexes must be no more than one mile from the originally licensed facility.
4. The use of an Annex must be conspicuously disclosed to students in all Board approved enrollment agreements. Students whose enrollment agreements predate Board approval of an Annex may not be required to utilize an Annex unless they first agree to amend their enrollment agreement.
5. It shall be the duty of the school to notify students in writing that they will not be granted educational credit or hours for any travel to or from an Annex.
6. No Annex shall be conducted or advertised as a salon, shop or electrolysis office. No salon, shop or electrolysis office shall be conducted or advertised as an Annex of a licensed school.
7. When students are present, any Annex shall be in the charge of and under the immediate supervision of at least one licensed Instructor or school administrator.

(i) The Board will deny the use of an Annex if it deems that the use of the location would interfere in the educational progression of students. Further, the Board may restrict or prohibit the use of Annexes if, after the school is given the opportunity for an adjudicatory hearing, the Board has determined that a school has committed a violation subjecting it to sanctions pursuant to Massachusetts General Laws c. 112, §61.

4.03: Conduct of Operations

(1) Each school shall keep a daily record of the attendance of each student, and a record of studies completed, and shall record earned credits hours and hold examinations before issuing diplomas. Upon termination of a student's attendance at a school, the school shall forward to the Board a record of the student's earned hours and the date of the termination of attendance.

(2) ~~New~~ Students shall ~~may~~ be enrolled on a monthly basis. ~~Transfer students and participants in brush-up or advanced training courses may be enrolled at any time.~~

~~4.03: continued~~

(3) No school shall permit a senior student to act as an instructor ~~or to instruct a junior student.~~

~~(4) Students, upon graduation from school and pending examination, may work in licensed salons only after obtaining from the Board a temporary permit to do so.~~

~~(5) No students shall be permitted to enter a classroom unless their attire complies with the dress code established by the school.~~

4.04: Curriculum

(1) Hairdressing Program.

(a) Each school teaching hairdressing shall maintain a course of study of not less than 1,000 hours, extending over a period of not less than six months. No student shall be required to attend classes more than five days per week (Monday through Saturday).

(b) Every school shall maintain regular class hours with a daily schedule. Such schedule must be submitted to the Board for its approval.

(c) Every school shall maintain a course of practical training in:

- Shampooing
- Hairdressing
- Marcel Waving (optional)
- Finger Waving
- Permanent Waving
- Hair Coloring
- Hair Cutting
- Skin Care/Facial Grooming
- Scalp Massage
- Wig Instruction
- Hair Straightening
- Thermal Styling

(d) Every school shall furnish instruction in antisepsis, sterilization, sanitation, and the use of electrical apparatus and electricity as applicable to the practice of the various branches of cosmetology, and shall arrange courses devoted to each branch of cosmetology in accordance with the following outline of study and schedule of hours:

1. Outline of Study

Theory

Practical

Sanitation
 Sterilization
 Hygiene
 Bones
 Muscles
 Nerves
 Vascular System
 Circulation

 Skin
 Nails
 Electricity
 Shop Management
 Personal Hygiene

Shampooing
 Hairdressing
 Marcel Waving (optional)
 Finger Waving
 Permanent Waving
 Wig Instruction
 Hair Straightening
 Hair Coloring (dyeing,
 tints rinses, bleaching pack,
 reconditioning)
 Hair Cutting
 Manicuring
 Skin Care/Facial Grooming
 Scalp Massage

4.03: ~~continued~~

2. Schedule of Hours

Manicuring (including 12.5 hrs. of Artificial Nail Techniques)	50
Hair Straightening and Permanent Waving	250
Shampooing	25
Finger Waving	50
Marcelling and All Iron Curls	45
Skin Care/Facial Grooming	80
Wig Instruction and Scalp Treatments	50
Dyes and Bleaching (packs, tints, rinses, reconditioning)	150
Hair Cutting	125
Oral, Written and Practical Tests, Sterilization, Hygiene and Anatomy	125
Instruction and Lecture on Sanitation	25
Ethics, Salesmanship, Courtesy and Conduct	25
Unassigned Hours	<u>None</u>
	1,000

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(e) Each school shall submit to the Board its schedule of hours in each category to be covered ~~totalling~~ totaling 1,000 hours. All changes must likewise be submitted to the Board. A school may deviate from the submitted schedule of hours by a maximum range of plus or minus 10% of the hours scheduled for any individual subject, provided however that the total hours presented for the entire curriculum shall in no event be less than 1,000 hours.

(f) Board approval of curriculum and schedule of hours shall not be considered permanent and may be subject to expiration and re-approval as prescribed by the Board.

(fg) Schools must maintain records indicating that students have completed the required amount of instruction in each subject. Such records must be available for inspection by any member of the Board or agents of the Board.

(eh) No student shall work on a customer paying for ~~materials-costs related to services~~ until after he/she has completed not less than 250 hours of class training. Between 250 and 400 hours of training, a student shall be permitted to perform work on persons paying for ~~materials-costs related to services~~ in the giving of scalp treatments, shampooing, manicuring, skin care/facial grooming, finger waving, pin curling, marcelling, and hair cutting. Upon completion of 400 hours of training a student may be permitted to perform the work of hair coloring, cold and permanent waving, bleaching, hair strengthening and hair styling.

(2) Manicuring Program

- (a) Each school offering a manicuring program shall maintain a course of study of not less than 100 hours, extending over a period of not less than four weeks.
- (b) No student shall be required to attend classes more than five days per week (Monday through Saturday) ~~not nor~~ more than 100 hours per month in class training. A minimum of one hour per day shall be directed to theory training in each school.
- (c) New students shall be enrolled on a weekly basis.
- (d) Each school shall maintain a daily schedule of regular class hours. Such schedule must be approved by the Board.
- (e) Each school shall include the following curriculum as part of its course of study:

	HOURS
Safety/Sanitation	10 hours
Artificial Nail Techniques	25 hours
First Aid	2.5 hours
Basic Manicuring with Hand and Arm Massage	40 hours
Professional Ethics, Salon Management & State Laws	12.5 hours
Oral-Written Practical Examinations Hygiene and Anatomy	10 hours
Total	100 Hours

4.03: continued

(f) Each school shall submit to the Board its schedule of hours in each category to be covered totaling 100 hours. All changes must likewise be submitted to the Board. A school may deviate from the submitted schedule of hours by a maximum range of plus or minus 10% of the hours scheduled for any individual subject, provided however that the total hours presented for the entire curriculum shall in no event be less than 100 hours.

(g) Board approval of curriculum and schedule of hours shall not be considered permanent and shall be subject to expiration and re-approval as prescribed by the Board.

(he) Schools must maintain records indicating the students have completed the required amount of instruction in each subject. Such records must be available for inspection by any member or agent of the Board.

(ih) No student shall work on a customer paying for ~~materials-costs related to services~~ until after he/she has completed not less than 25 hours of class training. Between 25 and 50 hours of training, a student shall be permitted to perform work on persons paying for ~~materials-costs related to services~~ for a basic manicure. Upon completion of 50 hours of training, a student may be permitted to perform artificial nail techniques on ~~such paying~~

customers [paying](#).

4.05: Brush-Up and Advanced Training

(1) Any school duly licensed by the Board may offer brush-up or advanced training courses, provided that such school has been licensed for at least six months.

(2) For purposes of 240 CMR 4.00 the term "brush-up training" means any and all instruction in any branch of cosmetology (as defined in M.G.L. c. 112, § 87T) [that reviews the basic course of instruction](#) offered for a fee to persons who have completed 1,000 hours of instruction ~~but who have not been licensed by the Board~~; and the term "advanced training" means any and all instruction, class or seminar in any branch of cosmetology (as defined in M.G.L. c. 112, § 87T) excluding a review of the basic course of instruction, offered for a fee to hairdressers who hold a current hairdresser's license, including a license issued by another state.

(3) Advanced training courses shall be taught only by persons licensed by the Board of Registration of Cosmetology as instructors pursuant to M.G.L. c. 112, § 87BB, or by such licensed ~~hairdressers~~[cosmetologists](#), ~~or~~ aestheticians [or manicurists](#) who have been approved by the Board as being qualified by expertise and experience to teach advanced courses.

(4) Any school desiring to offer advanced training courses shall submit the following information to the Board at least one month prior to the offering of any such course:

- (a) the title of the course;
- (b) the objective of the course;
- (c) the number of course hours;
- (d) the name, license number, educational background and experience of the instructors; and
- (e) a detailed curriculum of the course.

The Board shall notify the school whether or not the Board has approved the advanced training courses sought to be offered. Approval of the Board shall not be unreasonably withheld.

(5) Advanced training courses shall be offered for not less than eight hours and not more than 80 hours, ~~and shall not be held over periods of time in excess of four weeks~~.

(6) Certificates of Completion shall be issued to each participant who has attended through its conclusion an advanced training course. Such certificates shall not contain language which implies in any way the attainment of higher or greater degrees of professional competence or skill by the individuals who receive such a certificate. No certificate and no credits shall be granted to participants in brush-up courses.

4.06: Crossover Licensure

(1) ~~A person who has successfully completed a course of instruction at a licensed Barber school shall be credited 500 hours toward the 1,000 hour cosmetology school course of instruction requirement for licensure. A person who has been issued a license to practice barbering may be credited a maximum of 650 hours toward the 1,000 hour hairdressing~~

~~program course of study requirement for licensure by the Board.~~

~~4.06: continued~~

(2) The following schedule of hours must be completed by crossover licensure candidates:

Schedule of Hours for Crossover Licensure

Chemicals (Haircoloring, Bleaching Permanent Waving, Hair Relaxing)	225
Make-Up Application	25
Hair Styling, Pincurls, Rollers, Finger Waves	50
Manicuring	50
<u>Unassigned</u>	<u>150</u>
Total	<u>350</u>

(3) A student enrolled in a barbering program licensed or approved by the Board or by the regulatory body governing the operation of barber schools where such school is located may begin a course of instruction for crossover licensure at a cosmetology school prior to being issued a license to practice barbering. No student shall be eligible to take the written or practical examination for licensure by the Board as a Cosmetologist prior to being issued a license to practice barbering. The registration, practice and licensure of any such student shall be governed by the provisions of M.G.L. c. 112, §§ 87U and 87V and 240 CMR 4.00.

(4) No crossover licensure student may perform chemical treatments, including hair coloring, bleaching, permanent waving, and hair relaxing, prior to the completion of at least 175 hours of training.

4.07: Public/Vocational Secondary and Post-Secondary School Programs

(1) Credit for hours completed in public/vocational secondary and post-secondary school programs shall only be granted by the Board when the requirements of 240 CMR 4.02(2) through 4.04 and 4.07 are met by such programs.

(2) No vocational student may be granted credit for hours completed in a program prior to attaining the age of 16-15 years. No vocational student may be granted credit for hours completed during the freshman or sophomore year of a program or as part of an "exploratory" or similarly titled program. Vocational students must complete 1,000 hours in order for the Board to recognize hours earned prior to attaining 16 years of age.

(3) No student may provide services outside of the program setting premises prior to successful completion of all required hours for the particular program in which the student is enrolled and obtaining a cosmetology license issued by the Board.

(4) Only those hours which are taught by instructors currently licensed by the Board may be granted credit towards licensure qualification.

4.08: Minimum Hours for Examination Qualification

Students successfully completing the minimum required number of earned credit hours for a hairdressing program (1,000 hours) or manicuring program (100 hours) must be permitted to take the appropriate licensure examination. Completion of any additional program hours above the required minimum curriculum hours may not be required of a student prior to being provided access to a licensure examination.

4.09: Licensed private occupational schools

(1) Private occupational schools licensed pursuant to M.G.L. c. 112, §263 may offer cosmetology programs without being licensed by the Board or otherwise meeting the requirements of 240 CMR 4.01. However, no cosmetology program offered by a private occupational school shall be accepted for credit toward a Board issued license unless the program is first approved by the Board as having met all other provisions of 240 CMR 4.02 to 4.08.

(2) The Board may waive any of its requirements for private occupational schools if the Board determines that the requirements are duplicative of, or in conflict with, requirements imposed by the Division of Professional Licensure Office of Private Occupational School Education.

(3) If required in order to obtain a private occupational school license pursuant to M.G.L. c. 112, §263, a prospective (not yet licensed) cosmetology school may have its programs approved by the Board under the same conditions granted to private occupational schools pursuant to 240 CMR 4.09(1) and (2) so long as said school agrees that the school will obtain a license pursuant to M.G.L. c. 112, §263 prior to commencing any cosmetology programs.

REGULATORY AUTHORITY

240 CMR 4.00: M.G.L. c. 112, §§ ~~87BB and 87CC~~87V, 87BB and 87JJ.