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## ***POLICY ON APPRENTICESHIP AND STUDENT EMPLOYMENT***

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The Board of Registration of Cosmetology and Barbering ("Board") issues this Policy to complement the Board's current regulations.

### **POLICY**

#### **A. DEFINITIONS.**

As used in this Policy, the following terms shall have the meanings indicated below, and all other terms shall have the meanings defined in the Board's statute, G.L. c. 112, s. 87T:

- (1) **"Apprentice"** means a student enrolled in a Board-approved apprentice program and registered by the Board as an apprentice in compliance with this Policy.
- (2) **"Apprentice program"** means a program for apprentice training offered by a licensed cosmetology or barber school that is approved and administered in compliance with this Policy.
- (3) **"School hours"** means hours of the 1,000-hour cosmetology or barber curriculum required by the Board's regulations and earned by apprentices and shop-employed students in instruction by licensed instructors on licensed school premises.
- (4) **"Shop hours"** means hours of the 1,000-hour cosmetology or barber curriculum required by the Board's regulations and earned by apprentices working in Board-licensed shops in compliance with this Policy.
- (5) **"Shop-employed student"** means a student enrolled in a Board-licensed school who is registered by the Board as a shop-employed student in compliance with this Policy.

#### **B. APPRENTICE PROGRAMS**

- (1) An apprentice program may be operated only by a licensed school of cosmetology or barbering after approval by the Board.



- (2) A student may be registered as an apprentice after the student has completed and earned 200 school hours and has been approved by the Board as an apprentice after a background check.
  - (a) The school shall submit the apprentice application to the Board with a certification of the date on which the student will have completed and earned 200 school hours.
  - (b) No school shall permit a student to serve as an apprentice or perform any cosmetology or barber services in a shop until (i) the student has completed and earned 200 school hours, and (ii) the student and the school have received the Board's written approval of the student's application.
- (3) An apprentice program must include at least 600 school hours.
- (4) An apprentice program may include no more than 400 shop hours.
- (5) It is the responsibility of the school to ensure that every apprentice completes all mandated hours of the 1,000-hour cosmetology or barber curriculum required by the Board's regulations.
- (6) An apprentice registration shall expire 120 days after the completion of the student's program, or if their enrollment in the school or the apprentice program is terminated in any way or for any reason; however an apprentice whose education was interrupted may apply to the Board for reinstatement for good cause.
- (7) A school applying for approval of an apprentice program shall submit true copies of the following documents to the Board:
  - (a) Apprentice program catalogue, which may be part of the school catalogue;
  - (b) Apprentice enrollment agreement, which may be an addendum to the school enrollment agreement;
  - (c) Apprentice placement agreement between the school and shops, which must inform the shop of all the obligations applicable to such shops under this Policy, and shall state in boldface that the shop and the apprentice supervisor shall be jointly responsible for all services for all services performed by the apprentice; this apprentice placement agreement must include all terms of this Policy applicable to shops, including all requirements of Sections D(1) through D(6) of this Policy;
  - (d) Weekly report on which an apprentice and supervisor in the shop must certify the number of shop hours earned by the apprentice each week in subjects required by the cosmetology or barber curriculum under the Board's regulations; and
  - (e) Monthly Form for the school to certify to the Board the number of school hours and shop hours earned by the apprentice each month.
- (8) An administrator or instructor of a school offering an apprentice program must visit in person every shop where apprentices may be placed.
  - (a) The shop must be licensed by the Board;
  - (b) The school shall give the shop owner a hard copy of this Policy No. 2019-01: Student Apprenticeship & Employment;
  - (c) The school must enter into an apprentice placement agreement with each participating shop on the form previously approved by the Board; and
  - (d) The school and the shop must each retain a copy of the executed agreement on their licensed premises.

- (9) Each week of the apprentice program the school must collect a certification of the hours worked by the apprentice in subjects required by the cosmetology or barber curriculum under the Board's regulations, signed by the apprentice and the supervisor.
- (10) The school must report to the Board each month all school hours and all shop hours earned by each apprentice.
- (11) A school may not give credit for shop hours to any student who is not approved and registered by the Board as an apprentice.
- (12) A school must immediately report to the Board in writing when the apprentice graduates, withdraws, or their enrollment in the school or the apprentice program is terminated in any way or for any reason.
- (13) When an apprentice has completed the 1000-hour cosmetology or barber curriculum required by the Board's regulations, the school shall certify to the Board all school hours and all shop hours earned by the apprentice in each subject required by the cosmetology or barber curriculum under the Board's regulations, including a minimum of 600 school hours and a maximum of 400 shop hours.
  - (a) The school shall also certify on the student's license application that the student is approved to take the licensing examination.
- (14) The school shall maintain all records related to the apprentice program, including but not limited to the application to operate an apprentice program and the Board's approval of that application; all signed enrollment agreements and apprentice placement agreements; all certifications by the school and shops of school hours and shop hours earned by apprentices; and all communications regarding graduation, withdrawal, or termination. The school shall make such records available for inspection by the Board or its staff immediately upon request.
- (15) The school and shop are jointly responsible in securing any required work permits for students under the age of 18, and ensuring that all federal, state, and local laws and regulations regarding labor and employment are being followed.
- (16) Secondary programs offering an apprentice program must ensure that student apprentices are at least 16 years of age, and must comply with any and all regulations under the Department of Elementary and Secondary Education, including but not limited to required attendance in school and scheduling.

### **C. APPRENTICES**

- (1) A student enrolled in a Board-licensed school may apply to the Board for registration as an apprentice that will be effective only after he or she has completed 200 school hours.
  - (c) The school shall submit the application to the Board with a certification that the student is enrolled at the school and the expected date on which the student will complete 200 hours of instruction; and
  - (d) No student shall serve as an apprentice or perform any aesthetics, cosmetology, manicuring or barber services in any shop until the (i) student has completed 200 hours of the school curriculum and (ii) the student and the school have received a written registration.
- (2) An apprentice student registration issued prior to September 1, 2022 shall expire on January 1, 2023. Apprentice registrations issued on or after September 1, 2022 shall

expire 120 days after the student's graduation from the program, or if the apprenticeship is terminated for any reason. Once examinations are available, the apprentice must register to take their exam, and must retain a copy of their exam registration during this period. An apprentice registration will also expire if it is terminated in any way or for any reason, including terminations that occur earlier than the expiration date of the registration; however an apprentice whose education was interrupted may apply to the Board for reinstatement for good cause.

- (3) At all times while on shop premises, an apprentice must have in his or her possession a copy of his or her approved registration as an apprentice, government-issued photo identification, and must wear a name tag with the

**Apprentice's First and Last Name and the word  
"Apprentice" both in 22 point font or larger,**

conspicuously located so as to be visible by clients.

- (4) An apprentice may not participate in any services in a shop for which he or she has not previously received theory and practical training during school hours.
- (5) Apprentices may not provide any Mobile Services as defined in the Board's Policy on Mobile Cosmetology and Barber Services.
- (6) An apprentice who has earned at least 600 school hours and no more than 400 shop hours may apply to the Board for examination and licensure. Apprentices may not use more than 400 shop hours towards their 1000 hour requirement for licensure.
- (7) An apprentice whose enrollment in the school or apprentice program has ended for any reason must immediately surrender his or her written registration as an apprentice to either the school or the Board.
- (8) An apprentice shall receive credit only for shop hours worked at Board-licensed shops through a Board-approved apprentice program.
- (9) Apprentices must be at least 16 years of age.
- (10) Apprentices must obtain all required work permits in order to legally work under federal, state, and local labor laws.
- (11) For apprentices enrolled in a secondary program, the school shall be responsible for ensuring the student is compliant with all regulations and requirements under the Department of Elementary and Secondary Education in terms of school attendance and permission to earn school hours offsite.
- (12) An apprentice enrolled in a 500-hour crossover Cosmetology or Barbering program must complete a minimum of 300 hours in a school, and may only complete a maximum of 200 hours in a shop.
- (13) The Board's distance-based education provision is only applicable to the program's school hours. An apprentice enrolled in a 500-hour crossover program may apply for a registration and begin working in a shop with their registration at the beginning of their program.
- (14) Under a temporary provision by the Board, apprentices who graduated from their program on or after July 1, 2019, and who have not become fully licensed by the Board, are eligible to extend their registration through January 1, 2023.

#### **D. SHOPS PARTICIPATING IN APPRENTICE PROGRAMS**

- (1) Every shop participating in an apprentice program must be licensed by the Board and must enter into an apprentice placement agreement with the school sponsoring the apprentice program.
  - (a) The apprentice placement agreement must include all terms of this Policy applicable to shops, including all requirements of Section D of this Policy; and
  - (b) The school and the shop must each retain a copy of the executed agreement on their licensed premises.
- (2) Shops may not engage apprentices as independent contractors or unpaid workers, but must engage apprentices as employees of the shop.
- (3) The entry wage rate for every apprentice shall be not less than the minimum wage prescribed by applicable law and shall not be a wage rate for a tipped employee.
- (4) Every shop participating in an apprentice program must designate one or more apprentice supervisors, who shall be Board-licensed cosmetologists, barbers, or instructors (but not assistant instructors) and must have at least three (3) years of experience in the profession;
  - (a) No apprentice may work in a shop without an apprentice supervisor present; and
  - (b) An apprentice supervisor may not supervise more than two (2) apprentices in the shop at the same time.
- (5) The holder of the shop license and the supervisor present in the shop shall be jointly responsible for all services performed in the shop by an apprentice.
- (6) An apprentice's supervisor shall certify to the school each week all hours worked by the apprentice in subjects required by the cosmetology or barber curriculum under the Board's regulations, using a form approved by the Board.
- (7) The shop shall report to the school in writing any termination for any reason of an apprentice's services in the shop.
- (8) Shops must submit payment stubs for each employed student apprentice to the apprentice's school on a monthly basis.
- (9) Shops may not employ a student apprentice who is less than 16 years old.
- (10) Shops are responsible for ensuring that any apprentice has obtained all required work permits, and must be compliant with all federal, state, and local regulations regarding labor and employment regarding the employment of any apprentices.

#### **E. SHOP-EMPLOYED STUDENTS WHO ARE NOT APPRENTICES**

- (1) The following may apply to the Board for registration as shop-employed students:
  - a) Students enrolled in a Board-licensed cosmetology or barber school who are neither enrolled in an apprentice program nor registered as an apprentice and who have completed at least 200 hours in their program with basic competency in sanitation, disinfection, scalp analysis, shampooing, and draping; students enrolled in a Board-licensed manicuring school who have completed at least 20 hours in their program with basic competency in sanitation and disinfection; and students enrolled in Board-licensed aesthetics school who have completed a minimum of 575 hours.

- b) The school shall submit the application to the Board with a certification that the student is enrolled in good standing at the school and has completed either 200 hours in a Cosmetology or Barbering program with basic competency in sanitation, disinfection, scalp analysis, shampooing, and draping; or at least 20 hours in a Manicuring program with basic competency in sanitation and disinfection; or at least 575 hours in an Aesthetics program with minimum competency in sanitation, disinfections, basic facials, and waxing, and makeup.
  - c) The school shall give the student applicant a hard copy of this Section E, SHOP-EMPLOYED STUDENTS WHO ARE NOT APPRENTICES, of Policy No. 2019-01: Student Apprenticeship & Employment; and
  - d) No student shall serve as a shop-employed student or perform any aesthetics, cosmetology, manicuring or barber services in any shop before the Board has completed a background check, approved the student's application and issued a written registration of the shop-employed student to the student and the school.
- (2) A shop engaging a shop-employed student must be licensed by the Board.
  - (3) Shop-employed students may not work at a shop during their scheduled school hours.
  - (4) Shop-employed students may not perform any services outside the scope of the profession in which they are enrolled as students.
  - (5) A shop-employed student may not participate in any services in a shop for which he or she has not previously received theory and practical training during school hours.
  - (6) Shop-employed Cosmetology and Barbering students may not perform any aesthetics, barber, cosmetology, or manicuring services other than basic skills, defined as shampooing, blow drying, roller sets, manicures, and pedicures. After a shop-employed student has completed and earned 500 school hours, they may perform haircuts in addition to basic skills, but may not perform any other services, including but not limited to services involving chemical processes, while still enrolled in their program.
  - (7) Shop-employed manicuring students may not perform any manicuring services other than basic manicures and pedicures, while still enrolled in their program.
  - (8) Shop-employed aesthetics students may not perform any aesthetics services other than basic facials, waxing, and makeup application, while still enrolled in their program.
  - (9) It is the shop owner's responsibility to verify that a shop-employed student has received theory and practical training for all services performed in the shop.
  - (10) Once the shop-employed student has completed the minimum requirement of hours and course content for licensure, they may, under supervision, provide all services in their scope of practice for which they have received training.
  - (11) A school may not credit any shop-employed student with any hours worked in a shop toward the 1,000-hour curriculum required for licensure under the Board's regulations.
  - (12) At all times while on shop premises, a shop-employed student must have in his or her possession a copy of his or her approved registration as a shop-employed student, government-issued photo identification, and must wear a name tag with the

**Student's First and Last Name and the word**

**"Student" both in 22 point font or larger,**

conspicuously located so as to be visible by clients.

- (13) A shop-employed student shall be an employee of the shop and not an independent contractor or unpaid worker of any kind, and the entry wage rate for every shop-employed student shall be not less than the minimum wage prescribed by applicable law and shall not be a wage rate for a tipped employee.
- (14) Every shop engaging one or more shop-employed students must designate one or more supervisors, who shall be Board-licensed cosmetologists, barbers, aestheticians, manicurists, or instructors (but not assistant instructors).
  - (a) No shop-employed student may work in a shop without a supervisor present on the premises; and
  - (b) A supervisor may not supervise more than two (2) shop-employed students in the shop at the same time;
  - (c) Supervisors must be licensed appropriately for the shop-employed students they are supervising (e.g. a licensed manicurist may not supervise a shop-employed aesthetics student)
- (15) Shop-employed students may not provide any Mobile Services as defined in the Board's Policy on Mobile Cosmetology and Barber Services.
- (16) The holder of the shop license and the supervisor present in the shop shall be jointly responsible for all work performed in the shop by shop-employed students.
- (17) A shop-employed student registration issued prior to September 1, 2022 shall expire on January 1, 2023. Shop-employed student registrations issued on or after September 1, 2022 shall expire 120 days after the student's graduation from the program, or if the registration is terminated for any reason. Once examinations are available, the shop-employed student must register to take their exam, and must retain a copy of their exam registration during this period. A shop-employed student registration will also expire if it is terminated in any way or for any reason, including terminations that occur earlier than the expiration date of the registration; however a shop-employed student whose education was interrupted may apply to the Board for reinstatement for good cause.
- (18) A shop must immediately report to the school in writing any termination of employment of any shop-employed student's services in any way or for any reason.
- (19) A school must immediately send written notice to the Board of any termination of enrollment of any shop-employed student in any way or for any reason.
- (20) A shop-employed student whose enrollment in the school has ended for any reason must immediately surrender their written registration as a shop-employed student to either the school or the Board.
- (21) Shop-employed students must be at least 16 years old.
- (22) The holder of the shop license is responsible for ensuring that all shop-employed students have obtained all required work permits, and must be compliant with all federal, state, and local regulations regarding labor and employment regarding shop-employed students.
- (23) Shop-employed students in a 500-hour crossover Cosmetology or Barbering program may apply for a registration and begin working in a shop with their registration at the beginning of their program. The same restrictions on services for all cosmetology and barbering shop employed students still apply.
- (24) Under a temporary provision by the Board, students who graduated from a Massachusetts Board approved program on or after July 1, 2019, and who have not become fully licensed by the Board, are eligible to apply for a shop-employed student registration or extend their previously held shop-employed student registration through January 1, 2023.

- (25) Electrology students who have completed 1,100 hours in a Board-approved Electrology program may apply for a shop-employed electrology student registration. Approved shop-employed electrology students may provide the full scope of services they have received theory and practical education for. Shop-employed electrology students must be supervised at all times by a licensed Electrologist. No Electrologist may supervise more than one shop-employed Electrology student at a time.