

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

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4.01: Licensure

- (1) For purposes of 240 CMR 4.00, and unless otherwise stated, the term “school” shall mean a school or other institution or program privately owned and conducted for the purpose of teaching cosmetology, and 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 without a license issued by the Board.
- (3) Each applicant for a license to conduct a cosmetology school 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 \$20,000;
 - (c) A copy of the enrollment agreement including a refund policy which complies with G.L. c. 255, § 13K;
 - (d) A detailed outline of the school curriculum;
 - (e) A detailed professional floor plan; and
 - (f) An initial enrollment report signed by the applicant which shall contain a list of at least 25 students.
- (4) 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) With the exception of annexes described in 240 CMR 4.02(12), a school license is valid only for the location named in the license and is not transferable. School licensees must notify the Board by submitting an application for a new license at least 30 days in advance of the sale or change in ownership or location of a school, or notify the Board immediately in case of closure of a school or program. Each school shall display its license in a conspicuous place.

4.02: Premises

- (1) Cosmetology 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 properly equipped for demonstration or practical purposes, with arm chairs or desks and chairs for a minimum of 25 students; 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 maintain in good working condition, equipment sufficient to support the curriculum for its student body. The following shall be the minimum equipment required at all times at a licensed cosmetology school:
 - Ten Shampoo Sinks and Chairs;
 - 25 All-Purpose Chairs;
 - Ten Dryers with Accompanying Chairs;
 - Ten Manicure Tables;
 - Cold Waving Equipment; and
 - Cleaning and disinfection supplies and equipment sufficient to comply with all applicable regulations.

- (3) Every school shall provide each student with an individual, secure space sufficiently large to keep students' effects.

- (4) Every school shall maintain accessible lavatories in accordance with applicable laws and regulations.

- (5) All cleaning and disinfection regulations applicable to salons shall 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 have in attendance during school hours at least two approved instructors for 25 students or less, and shall have in attendance one approved instructor or assistant instructor for each additional 25 students or less. No instructor, assistant instructor or lecturer may supervise or teach more than one class at the same time.

- (8) Instructors in schools shall be licensed instructors, assistant 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 and clinic operation costs.

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

(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. CHARGES ARE FOR MATERIALS USED AND CLINIC OPERATION COSTS ONLY. 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(1)-(11). 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 academic and hourly progress, and shall record earned credit 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) Students may be enrolled on a monthly basis.
- (3) No school shall permit a student to act as an instructor.
- (4) Each school may establish the attire to be worn by students and require its students to dress in compliance with school requirements.

4.04: Curriculum

(1) Cosmetology Program.

(a) Each school teaching cosmetology shall maintain a course of study of not less than 1,000 hours, extending over a period of not less than six months.

(b) Every school shall maintain regular class hours with a daily schedule.

(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/Eyelash & Eyebrow Extensions & Tinting, Eyelash Perming;

Scalp Massage;

Wig Instruction;

Hair Straightening; and

Thermal Styling

(d) Every school shall furnish instruction in antisepsis, sterilization, cleaning, disinfection 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

Cleaning

Disinfection

Hygiene

Bones

Muscles

Nerves

Vascular System

Circulation

Skin

Eyelash & Eyebrow Extensions & Tinting,

Eyelash Perming

Nails

Electricity

Shop Management

Personal Hygiene

Practical

Shampooing

Hairdressing

Marcel Waving (optional)

Finger Waving

Permanent Waving

Wig Instruction

Hair Straightening

Hair Coloring (dyeing,
tints rinses, bleaching pack,

reconditioning)

Eyelash & Eyebrow Extensions,

& Tinting, Eyelash Perming

Hair Cutting

Manicuring

Skin Care/Facial Grooming

Scalp Massage

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
Iron Curls	45
Skin Care/Facial Grooming /Eyelash & Eyebrow Extensions & Tinting, Eyelash Perming	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 Cleaning and Disinfection	25
Ethics, Salesmanship, Courtesy and Conduct	25
Unassigned Hours	<u>None</u> 1,000

(e) Each school shall submit to the Board its schedule of hours in each category to be covered 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.

(g) 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.

(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) Each school shall maintain a daily schedule of regular class hours.

(c) 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

(d) 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.

(e) 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.

(f) 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.

(g) No student shall work on a model or a customer paying for materials used and clinic operation costs 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 models or persons paying for materials used and clinic operation costs for a basic manicure. Upon completion of 50 hours of training, a student may be permitted to perform artificial nail techniques on models or customers paying for materials used and clinic operation costs.

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 at least 1,000 hours of cosmetology instruction, 600 hours of aesthetics instruction or 100 hours of manicuring instruction ; 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 cosmetologists, aestheticians, manicurists and barbers who hold a current license, including a license issued by another state.

(3) Advanced training courses shall be taught only by persons licensed or approved by the Board as instructors or lecturers pursuant to M.G.L. c. 112, § 87BB.

(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;
- (e) a detailed curriculum of the course; and
- (f) a copy of the enrollment agreement, including a refund policy that complies with G.L. c. 255, § 13K.

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) 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 barber school licensed to operate by the Board or by the regulatory body governing the operation of barber schools where the school is located may be credited a maximum of 500 hours toward the 1,000 hour cosmetology school course of instruction requirement for licensure. The required 500 hours of cosmetology school course of instruction for any such person must be completed in a minimum three month period. Evidence of any such person's successful completion of a licensed barber school program (copy of diploma or certificate of completion) must be submitted to the Board upon such person's enrollment in a cosmetology school.

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

(1) Credit for hours completed in public vocational secondary and public 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 15 years. No vocational student may be granted credit for hours completed 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 obtaining a cosmetology license issued by the Board.

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

4.08: Minimum Hours for Examination Qualification

Completion of any additional program hours above the required minimum curriculum hours may not be required of a student before being provided access to a licensure examination.

REGULATORY AUTHORITY

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