Proposed

State of Kansas
Kansas Board of Cosmetology

Notice of Public Hearing on Proposed Administrative Regulations

A public hearing will be conducted on December 1st, 2020 at 9:30 a.m. to consider the adoption of proposed amendments to regulation 69-3-8. Due to recent concerns regarding COVID-19, only remote public participation is available. To participate in the teleconference hearing, call 1-785-414-8630 and enter conference code 852991655#. To attend the public hearing by video, please email aubrie.pryer@ks.gov. During the hearing, all interested individuals will be given a reasonable opportunity to present their views orally on the proposed regulation. If an individual wishes to give oral comment during the remote hearing, provide a written copy of the comment to the email or postal mailing address or fax number listed below. In order to give each individual an opportunity to present their views, it may be necessary for the hearing officer to request that each presenter limit an oral presentation to an appropriate time frame.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulation. All interested parties may submit written comments prior to the hearing to the Kansas Board of Cosmetology, 714 SW Jackson, Jayhawk Walk Building, Suite 100, Topeka, Kansas, 66603-3714 or by email to aubrie.pryer@ks.gov.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Aubrie Pryer at (785) 296-4414 (or TYY 1-800-766-3777). The public entrance to Jayhawk Walk is accessible. Handicapped parking is located directly outside the building, and the building is accessible.

A summary of the proposed regulation and its economic impact follow. (Note: Statements indicating that a regulation is "not anticipated to have any economic impact" are intended to indicate that no economic impact on the Kansas Board of Cosmetology, other state agencies, state employees, or the general public has been identified.)

Copies of the proposed regulation and the Economic Impact Statement for the proposed regulation can be viewed at the following website: www.kansas.gov/kboc.

K.A.R. 69-3-8 – Curricula and credits. The Board is seeking this regulation change to allow both the in-person classroom and distance learning for theory hours and allow credit for any duplicate hours between programs instead of limiting the hours that may be credited.

Economic Impact. The Board anticipates that there should be little, if any, economic impact to State and local governments due to this regulation.

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69-3-8. ~~Curriculum~~ Curricula and credits. (a) The ~~curriculum requirements entitled "Cosmetology School Course Curriculums,"~~ document titled "cosmetology school course curricula," ~~as in effect on June 1, 1996,~~ as approved by the board on July 24, 2020, is hereby adopted by reference.

(b) Among other teaching tools used to provide a course of training, ~~a~~ each cosmetology school shall use a textbook ~~which~~ that substantially covers the curriculum areas.

(c) Any instructional classroom may be a place where theory instruction is provided in a traditional classroom setting or in a distance education format.

~~(c)~~ (d) ~~A person who has completed a course of manicuring training may receive 180 clock hours credit in manicuring which may apply toward completion of a course of cosmetology training.~~ Any cosmetology school may submit for approval of the board duplicate hours obtained by a student during the completion of manicuring training or esthetics training for credit toward completion of a course of cosmetology training.

~~(d) A person who has completed a course in esthetics training may receive 150 clock hours credit in facials and make-up which may apply toward completion of a course of cosmetology training.~~ (Authorized by and implementing K.S.A. ~~65-1907 and~~ 65-1903~~, as amended by L. 1995, Ch. 120, Sec. 3~~; effective Jan. 1, 1966; amended, E-67-9, June 16, 1967; amended, E-69-19, Aug. 26, 1969; amended, E-70-12, Jan. 1, 1970; amended Jan. 1, 1971; amended May 1, 1981; amended May 1, 1982; amended, T-85-44, Dec. 19, 1984; amended May 1, 1985; amended June 7, 1996; amended, T-_____, _____; amended P-_____.)

APPROVED
AUG 31 2020
DIVISION OF THE BUDGET

APPROVED
SEP 02 2020
DEPT. OF ADMINISTRATION

APPROVED
SEP 03 2020
ATTORNEY GENERAL

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Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget

Kansas Board of Cosmetology
Agency

Aubrie Pryer
Agency Contact

785-296-4414
Contact Phone Number

69-3-8 (permanent regulation)
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to: Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

The Board is seeking this regulation change to define "instruction classroom" in order to continue to allow both the in-person classroom and distance learning for theory hours and allow credit for any duplicate hours between programs instead of limiting the hours that may be credited.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. ***(If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)***

This regulation is not mandated by the federal government. Oklahoma and 11 other states allow for distance learning education for the theory portions of the cosmetology professions. The Board reviewed a submission from a cosmetology school outlining possible duplicate hours between programs that are applicable apart from the limitations specified in the regulation currently. The Board agreed that the hours could be credited but was unable to approve the duplicate hours due to the currently limitations in the regulation. The Board directed staff to seek the regulation change.

III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

This regulation will enhance business activities and growth by providing the flexibility for Kansas schools to offer distance education options for students in the cosmetology profession for the theory portions of the curriculum. It also allows for the credit of any duplicate hours earned between programs upon submission of approval to the Board.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

The Board does not expect and significant fiscal impact. Schools are not required to provide distance learning options or submit request for credit of duplicate hours.

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C. **Businesses that would be directly affected by the proposed rule and regulation;**

Kansas Cosmetology Profession Schools

D. **Benefits of the proposed rule(s) and regulation(s) compared to the costs;**

N/A

E. **Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;**

N/A

F. **An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.**

$0

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

$0

Do the above total implementation and compliance costs exceed $3.0 million over any two-year period?

YES ☐ NO ☒

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

N/A

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed $3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES ☐ NO ☒

G. **If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.**

N/A

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H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

The Board held open meetings to discuss the proposed changes and received feedback from Kansas schools and educators.

I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

N/A

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