

ARTICLE 32-04 SCHOOLS

Chapter
32-04-01 Cosmetology Schools

CHAPTER 32-04-01 COSMETOLOGY SCHOOLS

Section	
32-04-01-01	School Applications
32-04-01-02	Floor Plan
32-04-01-03	Bond [Repealed]
32-04-01-04	Licenses Displayed
32-04-01-05	Separate Establishments
32-04-01-06	Student Registration
32-04-01-07	Student Transfers
32-04-01-08	Discontinuance of Students
32-04-01-09	Change in Instructors
32-04-01-10	School Discontinuance
32-04-01-11	Attendance Reports
32-04-01-12	Signs and Advertising
32-04-01-13	Equipment and Library
32-04-01-14	Tools and Supplies
32-04-01-15	School Rules and Regulations
32-04-01-16	Lockers
32-04-01-17	Name Tags
32-04-01-18	Curriculum
32-04-01-19	Credit and Deductions
32-04-01-20	Class Schedule
32-04-01-21	Instructors at School
32-04-01-22	Student Compensation and Guaranteed Position
32-04-01-23	Certain Student Use Prohibited
32-04-01-24	Student Complaints
32-04-01-25	Examinations
32-04-01-26	Solicitor's Permit
32-04-01-26.1	Cosmetology Course Curriculum
32-04-01-27	Esthetician Course Curriculum
32-04-01-28	Manicurist Course Curriculum
32-04-01-29	Curriculum for Esthetician Instructor Training [Repealed]
32-04-01-30	Curriculum for Nail Care Instructor Training [Repealed]

32-04-01-01. School applications.

All individuals, firms, associations, partnerships, corporations, and other entities desiring to operate a cosmetology school shall make application to the board for a certificate not less than three months prior to commencing business. The application shall be made on a form provided by the board and shall be accompanied by the fee of five hundred five dollars. All renewal applications of cosmetology schools shall be made to the board before December thirty-first in each year. Renewal applications shall be accompanied by the fee of two hundred five dollars. Six weeks prior to any change of ownership, location, or address, a cosmetology school shall make written application to the board. The application for reregistration must be made on a form provided by the board and must be accompanied by a fee of two hundred five dollars.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; December 1, 2005; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-13, 43-11-16, 43-11-17

32-04-01-02. Floor plan.

Every application for a license to conduct a cosmetology school shall be accompanied by a detailed floor plan of the proposed school premises. The floor plan shall show entrances, exits, locations of equipment, business office, reception area, classrooms, service floor area, dispensary, student lounge, toilet facilities, and hallways. A revised floor plan shall be filed with the board in the event of any change of location or major changes in the school premises.

History: Amended effective July 1, 1988; December 1, 2005; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11, 43-11-16

32-04-01-03. Bond.

Repealed effective July 1, 1988.

32-04-01-04. Licenses displayed.

Every cosmetology school shall display its license in clear view to the public in the reception area of the school.

History: Amended effective April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-14

32-04-01-05. Separate establishments.

Cosmetology schools shall be located separately from cosmetology salons.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-06. Student registration.

Each cosmetology school shall register students taking a complete course of study within forty-five days after students' enrollment. Each school shall register students' enrollment by written notification to the board.

1. **Student contract.** Each cosmetology school shall provide the board with a true copy of the student contract for each student and student instructor enrolled. The student contract shall contain the entire contract between the parties, including a complete list of tools, books, and supplies provided to the student or student instructor. Such student contract shall be provided to the board within forty-five days of enrollment of each student and student instructor.
2. **Registration.** Each cosmetology school shall furnish the board for each student and student instructor enrolled with the completed state board notice of registration form accompanied by a copy of the student's birth certificate and high school diploma or official transcript signed by school or general educational development. All such materials shall be provided to the board within forty-five days of student and student instructor enrollment.
3. **Discontinuance before registration.** If a student discontinues the course before the student is registered, the school will notify the board as required by section 32-04-01-08.

4. **Reregistration.** Upon reregistration for any reason, the provisions of this section shall be complied with when applicable.

History: Amended effective July 1, 1990; March 1, 1998; December 1, 2005.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16, 43-11-19

32-04-01-07. Student transfers.

1. **Domestic transfers.** A student of a North Dakota cosmetology school transferring to another school shall be granted full credit for the hours completed.
2. **Foreign transfer.** Any student of a cosmetology school located in another state, country, or territory desiring to transfer to a North Dakota school shall make an application to the board in the same manner as a new student. A certified copy of the student's records shall accompany the application. Approval of the board must be given in writing before any transfer is made. If the board approves the application and the student completed the course, the student shall receive full credit hours for the course. If the board approves the application and the student did not complete the course, the student shall be granted full credit for the hours completed.
3. **Credit hours.**
 - a. North Dakota school credit hours will be credited for five years.
 - b. Out-of-state credit hours will be credited for two years.

History: Amended effective July 1, 1988; July 1, 2000; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-13, 43-11-15, 43-11-16, 43-11-19

32-04-01-08. Discontinuance of students.

Each cosmetology school shall notify the board in writing within five days after the discontinuance of the course. The written notification shall contain the name of the student, the last-known address or home address of the student, the reason for the discontinuance, and a statement of the hours completed by the student. Upon reentrance to the school, an application shall be submitted to the board in the same manner as new student applications.

History: Amended effective March 1, 1998.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16, 43-11-19

32-04-01-09. Change in instructors.

Every cosmetology school shall notify the board in writing of any change in the staff of instructors.

History: Amended effective March 1, 1998; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16, 43-11-17

32-04-01-10. School discontinuance.

Each cosmetology school intending to transfer ownership or discontinue its operation shall notify the board in writing at least sixty days prior to the final date of operation, and all proper and full credits for all students and student instructors currently enrolled shall be certified in writing to the board for the protection of the students and student instructors.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16, 43-11-19

32-04-01-11. Attendance reports.

Each cosmetology school shall maintain monthly reports for each student enrolled. The reports shall contain the full name of each student attending during the calendar month, the date the student enrolled, the number of hours of training had by each student during the calendar month, and the total number of hours of training credited the student since the date of enrollment.

History: Amended effective July 1, 1988; March 1, 1998.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16, 43-11-19, 43-11-22

32-04-01-12. Signs and advertising.

1. **Entrance sign.** Every cosmetology school shall display and maintain a sign, clearly visible to anyone approaching the entrance to the school, designating it as a school and giving the name of the school.
2. **Student services sign.** Every cosmetology school shall prominently display signs stating "all services performed by students". The signs shall be clearly visible in the service floor area and the reception area.
3. **Signs for entrances to school areas.** The entrances to the various rooms and areas of each school premises shall be clearly and suitably marked with signs.
4. **Price signs.** Signs listing prices charged for clinic work shall be prominently displayed in the reception area.
5. **Advertising.** All advertising of cosmetology schools shall disclose that services are performed by students.

History: Amended effective March 1, 1998; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11, 43-11-16, 43-11-18

32-04-01-13. Equipment and library.

Each cosmetology school shall have the following minimum equipment and library for each of the following courses of training and instruction provided by the school:

1. **Cosmetology minimum equipment:**
 - a. One anatomy chart, which includes:
 - (1) Bones;
 - (2) Muscles;
 - (3) Nerves;
 - (4) Circulatory system; and
 - (5) Skin.
 - b. Presentation equipment for each theory room.
 - c. Large wet disinfecting unit for each twenty-five students enrolled.

- d. Shampoo bowl for each six students enrolled.
- e. Facial chairs, bed, or tables.
- f. Hair dryer for each eight students enrolled.
- g. Manicure table for each four students enrolled.
- h. Workstation with mirror for each two students enrolled.

2. Esthetician minimum equipment:

- a. Presentation equipment.
- b. One sink separate from restrooms for enrollment for up to fifteen students.
- c. One workstation or position per two students, which must include a facial chair or cushioned massage table.
- d. One set of manual, mechanical, or electrical facial equipment per two workstations or positions necessary to fulfill the curriculum requirement.
- e. One enclosed storage unit per each workstation.
- f. One properly lighted makeup area.
- g. One head form.
- h. One facial chart per class.
- i. Audiovisual aids.

3. Manicurist minimum equipment:

- a. Presentation equipment.
- b. A handwashing sink separate from restrooms for enrollment up to fifteen, and one additional sink for each fifteen students.
- c. One workspace with adequate light must be provided for every student.
- d. Sufficient trays for manicuring supplies.
- e. One set of mannequin hands per student.
- f. Manicuring kit for each student containing proper implements for manicuring and pedicuring.
- g. Implements for artificial nails, nail wraps, and tipping.
- h. One pedicure setup station.
- i. Audiovisual aids.

4. Minimum school library:

- a. Standard dictionary.
- b. Dictionary of medical words.

- c. Standard textbook.
- d. References on iron curling.
- e. References on hair straightening.
- f. References on hair coloring.
- g. Copy of cosmetology law.
- h. Copy of cleaning and disinfecting rules and regulations.
- i. Copy of minimum prices.
- j. Audiovisual aids pertaining to cosmetology.

History: Amended effective July 1, 1990; March 1, 1998; January 1, 2002; December 1, 2005; January 1, 2017; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11, 43-11-16

32-04-01-14. Tools and supplies.

The cosmetology school shall provide each student with the tools and supplies listed in the student contract. Each cosmetology school shall furnish a mannequin to each cosmetology, esthetics, and manicure student.

History: Amended effective July 1, 1988; July 1, 1990; January 1, 2002; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-15. School rules and regulations.

Upon enrollment, each student shall be furnished with a copy of rules and regulations of the cosmetology school.

1. **Receipt.** Each student receiving a copy of the school rules and regulations shall sign a receipt for the copy and the school shall keep the receipt in its file for each student.
2. **Rules and regulations filed with the board.** Each cosmetology school shall furnish the board with a true copy of its rules and regulations. School rules must include rules for absenteeism and tardiness. No penalties may be imposed that are not written in school rules and regulations. The school shall be responsible for providing the board with any changes or amendments to the rules and regulations.
3. **Students to read rules.** Each student shall read and be familiar with the school rules and regulations.

History: Amended effective July 1, 1988.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11, 43-11-16

32-04-01-16. Lockers.

Every cosmetology school shall provide each student with a locker and lock. Each student locker shall be of adequate size for the storage of personal effects, books, tools, and instruments.

History: Amended effective March 1, 1998.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-11, 43-11-16

32-04-01-17. Name tags.

Each instructor, student instructor, and student shall wear name tags bearing the individual's name. The name tags shall be worn at all times while on the premises of a cosmetology school.

History: Amended effective April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-18. Curriculum.

Each cosmetology school shall teach branches and areas of cosmetology, which shall include theory and practice in subjects required, provided, and approved by the board.

1. **Hours.** The course of instruction shall consist of one thousand five hundred hours for cosmetology, six hundred hours for esthetics, and three hundred fifty hours for manicuring.
2. **Theory classes.** Each cosmetology school shall conduct theory classes a minimum of four hours per week until requirements under North Dakota Century Code chapter 43-11 are met.
3. **Credit record.** Each cosmetology school shall keep the student hour and credit record current for each student, and the record shall be current by the fifth of each month the student is enrolled. Within five days of a school's knowledge that a student has either completed the course, transferred, or discontinued and fulfilled all school requirements accordingly, the school shall furnish the board with the record.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; July 1, 2000; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16, 43-11-22

32-04-01-19. Credit and deductions.

No student shall be given credit, full or partial, for any time or work unless the time or work is wholly performed and completed by the student. No earned credit hours of any student shall be deducted by any cosmetology school for any reason whatsoever.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16, 43-11-22

32-04-01-20. Class schedule.

Each cosmetology school shall keep a class schedule, and the class schedule shall be provided two weeks in advance of the classes to be held. The schedule shall also show the classes already held. The school shall maintain a true copy of the schedules in its permanent files, and the schedules shall be subject to the inspection and approval of the board.

History: Amended effective April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-21. Instructors at school.

Each instructor of a cosmetology school shall be present in classrooms of the school during classes, and each instructor shall be present and supervise all student work and activities on the school premises. All workstations in the school service floor area shall be open and arranged so instructors can supervise each student on the clinic floor. Instructors and student instructors shall not provide any professional service to the public while employed at a cosmetology school.

History: Amended effective July 1, 1988; April 1, 2022.

General Authority: NDCC 43-11-13

Law Implemented: NDCC 43-11-16, 43-11-27

32-04-01-22. Student compensation and guaranteed position.

A student registered in a cosmetology school may provide clinic services, while attending and on the premises of a school, if the student is under the immediate direction and supervision of a licensed instructor. No student shall be paid a salary or commission for the performance of the clinic services. A student may be assisted in obtaining a position after graduation from a cosmetology school, but no student shall be guaranteed any position by the cosmetology school.

History: Amended effective July 1, 1988.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16, 43-11-20

32-04-01-23. Certain student use prohibited.

Students shall not be called from any theory class to perform services on the public, and students shall not be permitted to instruct or teach fellow students.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-24. Student complaints.

A student of a cosmetology school may file a complaint with the board concerning the school in which the student is enrolled. A student complaint shall be made to the board in writing clearly and concisely stating the complaint, and the complaint must be signed by the student.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-25. Examinations.

1. **School examinations.** Each student must have successfully passed eighty percent of the weekly examinations and secured a seventy-five percent average in the cosmetology school final examination in both written and practical work.
2. **Board examinations.** A cosmetologist, manicurist, esthetician, and instructor examination shall consist of a theoretical portion and a practical portion. The practical examinations shall be administered by the board.

In order to be certified as passing an examination, a candidate shall score at least seventy-five percent on the theoretical and practical portions of the examination.

3. **Failing applicant.** If the applicant fails to pass the examination, the examination fee may not be returned. If an applicant fails to pass an examination, the applicant may be examined again with the payment of a re-examination fee as defined under North Dakota Century Code chapter 43-11.

4. **Applicant complaint.** An applicant shall notify the board in writing if there is reason to believe that there has been discrimination during any portion of the examination.

History: Amended effective July 1, 1988; July 1, 1990; March 1, 1998; July 1, 2000; December 1, 2005; January 1, 2012; January 1, 2017; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16, 43-11-22, 43-11-23

32-04-01-26. Solicitor's permit.

All individuals who solicit or sell any course of instruction shall obtain a permit. Applications must be accompanied by a surety bond in the penal sum of one thousand dollars for each solicitor. The permit fee is thirty dollars.

History: Effective July 1, 1988; amended effective December 1, 2005; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-26.1. Cosmetology course curriculum.

The hours of the cosmetology course curriculum for classroom or clinic for instruction must include the following:

Cleaning, disinfecting, and safety	150 hours
Hair cutting and styling	450 hours
Manicuring	100 hours
Skin care and esthetics	100 hours
Chemical services	300 hours
Study of theory and law	150 hours
Business management, interpersonal skills, ethics, and related subjects	250 hours
Total minimum hours	<u>1,500 hours</u>

History: Effective July 1, 2000; amended effective January 1, 2012; January 1, 2017; April 1, 2022.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-27. Esthetician course curriculum.

The curriculum for students enrolled in an esthetician course must be six hundred hours of training. No school or licensed instructor may permit a student to render clinical services until a student has completed twenty percent of the total hours of instruction required. The curriculum must include the following:

Cleaning, disinfecting, and safety	75 hours
Body treatment, facials, hair removal, and makeup	340 hours
Study of theory, law, and cleaning and disinfecting	75 hours
Related subjects	60 hours
Unassigned	50 hours
Total minimum hours	<u>600 hours</u>

History: Effective July 1, 1990; amended effective July 1, 2000; December 1, 2005; January 1, 2012; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-28. Manicurist course curriculum.

The curriculum for students enrolled in a manicurist course must be three hundred fifty hours. No school or licensed instructor may permit a student to render clinical services until a student has completed twenty percent of the total hours of instruction required. The curriculum must include the following:

Cleaning, disinfecting, and safety	45 hours
Manicuring, pedicuring, and application of artificial nails	200 hours
Study of theory, law, and cleaning and disinfecting	45 hours
Related subjects	35 hours
Unassigned	25 hours
Total minimum hours	<hr/> 350 hours

History: Effective July 1, 1990; amended effective December 1, 2005; January 1, 2012; January 1, 2017.

General Authority: NDCC 43-11-05

Law Implemented: NDCC 43-11-16

32-04-01-29. Curriculum for esthetician instructor training.

Repealed effective December 1, 2005.

32-04-01-30. Curriculum for nail care instructor training.

Repealed effective December 1, 2005.