

Seavers, Dennis

From: Seavers, Dennis
Sent: Tuesday, February 2, 2021 4:35 PM
To: barber-schools
Subject: Update on recent rulemaking actions
Attachments: 01212021-Board-of-Barbers-Examiners.pdf

Dear schools,

After the pandemic began, the Board of Barber Examiners adopted a series of emergency and temporary rules on a variety of topics. (See below for more discussion on the different types of rules.) Some of these rules affected schools, particularly ones to allow online classes and to extend deadlines for filing reports and documents. This email discusses some recent and upcoming rulemaking actions.

Recent rulemaking actions

In March 2020, the board adopted emergency rules to waive certain requirements or extend deadlines during a state of emergency declared by the governor. The board later adopted the same rules as temporary rules, which extended the effective period until April 2021. This month, the Rules Review Commission approved permanent rules that the board adopted. In effect, what has been in place during the pandemic will continue in place on an ongoing basis, *as long as there's a state of emergency declared by the governor*. Once the state of emergency ends, the schools must return to the normal reporting and filing requirements.

In the attached document, the two rules approved by the Rules Review Commission are attached.

Future rulemaking actions

The board also has temporary rules in place to allow schools to offer classes online (also called distance learning). Those rules are due to expire in April. The board is currently in the permanent rulemaking process to allow online classes for certain hours in the curriculum (though not all hours, as currently allowed). The board will be considering comments and adopting the rules at its February 16, 2021 meeting. The public-comments period ends February 15, 2021, so please be sure to submit any comments on or before that date. For more information, please click here: <https://www.ncbarbers.com/news-2020-12-15-proposed-rules.html>. If adopted by the board and approved by the Rules Review Commission, those rules would go into effect before the temporary rules end.

Types of rules

- Emergency rules: rules with a very limited effective period and which can only be adopted under unforeseen serious health or public-safety emergencies.
- Temporary rules: rules with a longer effective period (270 days) than emergency rules, but which are not permanent. If it meets the criteria, an agency can bypass some of the normal rulemaking requirements to get the rules in place.
- Permanent rules: rules that are effective indefinitely and are adopted through the normal rulemaking process, which includes a 60-day public-comments period.

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1 21 NCAC 06F .0128 is adopted as published in 35:04 NCR 497 as follows:

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3 **21 NCAC 06F .0128 WAIVER OF REQUIREMENTS DURING DISASTER OR EMERGENCY**

4 (a) If the Governor declares a state of emergency, the following exceptions shall apply to barber schools and students:

5 (1) Schools shall maintain a monthly record of the subject matter taught to the student in theory classes,
6 the requirement in Rule .0110(4) of this Subchapter for a weekly record notwithstanding.

7 (2) Schools shall provide to the Board the list of students required by G.S. 86A-22(5) by the last day of
8 each month, the requirement in Rule .0110(6) of this Subchapter for schools to submit the list by
9 the 15th of each month notwithstanding.

10 (3) Within 60 days of the date on which any student completes his or her course of study, drops out of
11 school, or transfers to another school, the barber school shall return the student permit to the Board,
12 the requirement in Rule .0113(d) of this Subchapter to return the student permit within five business
13 days notwithstanding.

14 (4) Students shall not be required to meet the requirements in Rule .0122 of this Subchapter if the
15 students are attending online classes.

16 (5) No student shall be given credit for more than 10 total hours during any instruction day, the
17 restriction to eight hours in Rule .0124(a) of this Subchapter notwithstanding.

18 (6) The restrictions on off-campus hours in Rule .0124(c) of this Subchapter shall not apply to hours
19 that students receive during a state of emergency.

20 (7) Schools shall not be required to revise the handbooks required by Rule .0125 of this Subchapter to
21 reflect the exceptions listed in this Rule.

22 (b) The exceptions in this Rule shall only apply through the duration of the state of emergency.

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24 *History Note: Authority G.S. 86A-22;*
25 *Emergency Adoption Eff. March 27, 2020;*
26 *Temporary Adoption Eff. June 1, ~~2020~~, 2020;*
27 *Eff. February 1, 2021.*

1 21 NCAC 06N .0111 is amended as published in 35:04 NCR 498 as follows:

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3 **21 NCAC 06N .0111 FORM BAR-10**

4 (a) The Form BAR-10 is a report that shall be filed monthly by the manager of the school for each student enrolled
5 in barber school. It requires the following:

- 6 (1) the name of the school submitting the report;
- 7 (2) the name and date of enrollment of the student;
- 8 (3) the month and year for which the report is filed;
- 9 (4) the dates and hours of the student's absences;
- 10 (5) the dates and hours of the student's attendance;
- 11 (6) the number of patrons served for clinical services; and
- 12 (7) the subject matter covered in practical and theory courses.

13 (b) The Form BAR-10 shall be submitted to the Board over the signature of the manager of the school and co-signed
14 by the student.

15 (c) ~~The Form BAR-10 shall be returned to the Board within five business days of the date on which~~ If a student
16 completes his or her course of study, drops out of school, or transfers to another ~~school~~ school, the barber school shall
17 return the Form BAR-10 to the Board:

- 18 (1) within five business days; or
- 19 (2) within 30 days if the student's enrollment ends during the effective period of a state of emergency
20 declared by the Governor.

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22 *History Note: Authority G.S. 86A-22;*
23 *Eff. May 1, 1989;*
24 *Readopted Eff. July 1, 2016;*
25 *Emergency Adoption Eff. March 27, 2020;*
26 *Temporary Adoption Eff. June 1, 2020, 2020;*
27 *Amended Eff. February 1, 2021.*