

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 34 BARBERS AND COSMETOLOGISTS
PART 8 SCHOOLS

16.34.8.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Barbers and Cosmetologists
[16.34.8.1 NMAC - Rp 16 NMAC 34.8.1, 6/16/2001]

16.34.8.2 SCOPE: All barber, cosmetology, hairstylist, esthetician, manicurist/pedicurist, manicurist/esthetician, instructor, electrology schools and all students of barbering, cosmetology, hairstylist, esthetician, manicurist/pedicurist, manicurist/esthetician, instructor and electrology.
[16.34.8.2 NMAC - Rp 16 NMAC 34.8.2, 6/16/2001; A, 7/14/2018]

16.34.8.3 STATUTORY AUTHORITY: Sections 61-17A-12, 61-17A-18 and 61-17A-19 of the Barbers and Cosmetologists Act. This authorizes the board to establish requirements for opening, relocating, school name change for barber, cosmetology, electrology and specialty schools.
[16.34.8.3 NMAC - Rp 16 NMAC 34.8.3, 6/16/2001]

16.34.8.4 DURATION: Permanent
[16.34.8.4 NMAC - Rp 16 NMAC 34.8.4, 6/16/2001]

16.34.8.5 EFFECTIVE DATE: June 16, 2001 unless a later date is cited in the history note at the end of a section.
[16.34.8.5 NMAC - Rp 16 NMAC 34.8.5, 6/16/2001]

16.34.8.6 OBJECTIVE: Pursuant to the Barbers and Cosmetologists Act this part establishes the standards for opening, relocating and name change for schools governed by the act.
[16.34.8.6 NMAC - Rp 16 NMAC 34.8.6, 6/16/2001]

16.34.8.7 DEFINITIONS: Refer to Part 1
[16.34.8.7 NMAC - Rp 16 NMAC 34.8.7, 6/16/2001]

16.34.8.8 APPLICATION FOR OPENING, RELOCATING, CHANGING NAME OF A SCHOOL:

- A.** A school license is nontransferable.
- B.** A change of ownership or control is any action by which a person or corporation obtains authority to control the actions of an institution. These actions may include, but are not limited to:
 - (1)** the transfer of the controlling interest of stock of an institution to its parent corporation.
 - (2)** the merger of two or more institutions;
 - (3)** the division of an institution into two or more enterprises or establishments;
 - (4)** the transfer of the assets or liabilities of an institution to its parent corporation;
 - (5)** the acquisition by an individual of the controlling interest of an institution, whether a proprietorship, partnership or corporation;
 - (6)** the sale of an institution; or
 - (7)** the lease of or right to do business as an institution.
- C.** If ownership or legal control of a licensed school changes, the new owner, lessee or other legally responsible party must submit a new application and secure a new license from the board.
- D.** If legal control of a school does not change, but the organization of ownership does change (e.g. a sole proprietor becomes the sole stockholder of a corporation which owns the school), the board must receive notarized proof of such change within 30 days of such change.
- E.** A completed application to open, change ownership or relocate a school authorized under this act must be filed with the board. An application to open a school, change ownership or relocate or change the name of a school filed by a currently licensed school owner must be filed at least 15 days in advance of the expected date of change.
 - (1)** Applications must be on official forms approved by the board and must include the appropriate fee.

(2) Applicants to open, change ownership or relocate a school must demonstrate that the school is financially responsible and the school has sufficient resources to ensure against precipitous closure. Applicants shall provide at least the following information: evidence of ownership; corporate or business status; identity and address of owners, partners, shareholders, and directors; copies of articles of incorporation and by-laws, if applicable; evidence of financial responsibility, including compiled financial statement and balance sheet indicating assets and liabilities; a corporate surety bond or terminates a program prior to the completion of a student's contract with the school; disclosure of the filing within the last seven years of bankruptcy of owner(s), partner(s), or director(s); and the identity of two business or financial references.

(3) An owner(s), partner(s), or director(s) of a school applicant must sign a release directed to financial institutions authorizing the disclosure of financial information and shall disclose loan history.

(4) An owner(s), partner(s), or director(s) of a school applicant will be required to disclose civil actions brought within 10 years of the date of the application against an owner(s), partner(s), or director(s) for or involving nonpayment of debt, fraud, or misrepresentation and the disposition of such action(s).

(5) An owner(s), partner(s), or director(s) of a school applicant will be required to disclose any arrest or conviction within the 10 years of the date of the application for fraud, larceny, embezzlement, or any crime involving stealing, taking, theft, robbery, or unlawful appropriation of money or anything of value that belongs to another and the disposition of such action(s).

(6) A school is not financially responsible if an owner(s), partner(s), or director(s) is not making payments in accordance with an agreement, judgment, or debt obligation, or if an owner(s), partner(s), or director(s) has been convicted of felony involving a crime described in Paragraph 5 of Subsection E of 16.34.8.8 NMAC and that owner(s), partner(s), or director(s) is not sufficiently rehabilitated as provided in the Criminal Offender Employment Act, Sections 28-2-1 through 28-2-6 NMSA 1978.

(7) In the case of a change of ownership of a school, the school establishment license of the prior owner does not expire for 30 days after the date of sale providing it is a current and valid license. In order to ensure continued training for students, the new owner may operate under the prior license until the earlier of the 30-day expiration date of the prior license or obtaining the new school establishment license.

(8) In case of a change of ownership of a school, the new school shall submit a student roster of all students enrolled at the time of the change which lists for each student the name, the date of birth, the social security number, course enrolled, the course beginning date and the student permit. The school shall submit the student roster to the board within 30 days of the change of ownership.

F. The application, if complete, may be administratively approved. A formal inspection of the establishment shall occur within 90 days of opening. Incomplete applications without proper and complete supporting documents will be returned.

G. When a school relocates within the state of New Mexico, the owner must complete a new application and obtain approval, including inspection from the board to operate the business at the new location, and pay the school relocation fee.

H. If any portion of the school is completely segregated from the primary area, a duplicate school license must be acquired and posted in the separate area. A duplicate license fee will be assessed. The school must also comply with 16.34.8.12 NMAC, expansion campus facility requirements.

I. All school licenses must be renewed on March 31 of each year.

J. Each school licensed by the board shall post a current copy of the statutes and rules and regulations and the most recent inspection report in an area where clearly visible to the public.

K. Each school licensed by the board shall post an exterior sign which indicates the facility houses a school.

[16.34.8.8 NMAC - Rp 16 NMAC 34.8.8, 6/16/2001; A, 12/17/2015; A, 7/14/2018]

16.34.8.9 GENERAL REQUIREMENTS:

A. Schools may not permit its students to perform any laboratory services on the public under any circumstances until the student has accrued fifteen percent of the total hours required within the course.

B. Schools shall display in a conspicuous place within the reception or clinic area of the school a sign which indicates that all services are performed by supervised students.

C. Schools shall not pay compensation to any of its students, either directly or indirectly.

D. Instructors or student instructors shall not be permitted to perform services on the public other than that part of the practical work which pertains directly to the teaching or demonstration of subjects included in the curriculum.

- E. Schools shall provide both theory instruction and practical skills training in all subjects applicable to the course of study according to the curriculum prescribed by the board.
- F. Schools shall provide a minimum of 24 hours of infection control and safety standards theory prior to any practical procedures.
- G. Instructor approved hands-on procedures in schools shall be completed by students on clients, students or models; training on mannequins is considered hands on training as defined in 16.34.1.7 NMAC.
- H. Schools shall maintain the equivalent of at least one full time instructor for every 20 students in attendance or part thereof.
- I. Schools must at all times be under the immediate supervision of a licensed instructor.
- J. Schools, which advertise services to the public in order to attract clients for its students, must include in each advertisement the statement that all services are performed by supervised students.
[16.34.8.9 NMAC - Rp 16 NMAC 34.8.9, 6/16/2001; A, 12/17/2015]

16.34.8.10 PHYSICAL REQUIREMENTS: All schools must comply with the sanitary and safety rules for establishments outlined in 16.34.7.9 NMAC of these rules and provide for:

- A. a clean, well-maintained facility;
- B. a reception area for clients and guests;
- C. an area designated for theory instruction equipped with enough tables or desks and chairs to meet the instructional needs of assigned or scheduled students;
- D. a designated clinic or laboratory area for supervised practical skills training;
- E. sanitary, lavatories with hot and cold wash facilities;
- F. sufficient grounded electrical outlets to provide for the safe operation of all laboratory and classroom equipment;
- G. safe and secure maintenance of student records;
- H. separate entrances and visitor reception areas if a professional service facility or salon is in the same building;
- I. a designated work area for instructors for the purpose of planning, record keeping, counseling, consultation and administrative tasks;
- J. properly marked exits to facilitate safe evacuation in case of emergency;
- K. a dispensary or supply room adequately supplied to meet the reasonable anticipated needs of students and staff.
[16.34.8.10 NMAC - Rp 16 NMAC 34.8.10, 6/16/2001; A, 10/4/2007]

16.34.8.11 EQUIPMENT, TEACHING AIDS: Schools shall have in good working order apparatus, equipment and implements necessary for the full and ready teaching of all subjects included in the curriculum including, but not limited to the following:

- A. one applicable workstation for each student assigned a clinic patron at any one time;
- B. one suitable bulletin board conspicuously located for posting rules and regulations, licenses, notices, etc.
- C. one board of adequate size to be seen by all students in the class;
- D. teaching aids and applicable projection equipment for all subjects taught within the curriculum;
- E. textbooks and lesson plans for the appropriate and authorized courses of study;
- F. suitable reference materials including books, current periodicals, supplementary information to meet the requirements and objectives of the courses of study and which are available for independent study.
[16.34.8.11 NMAC - Rp 16 NMAC 34.8.11, 6/16/2001; A, 10/4/2007]

16.34.8.12 EXPANSION CAMPUS FACILITY:

- A. A completed official application to operate an expansion campus facility must be filed with the board at least 15 days prior to the expected opening of the classroom or clinic. The application must include a statement of the distance between the approved primary facility and the new expansion campus facility, must be within a two mile radius of the main campus.
- B. The application, if complete, may be administratively approved. A formal inspection of the establishment shall occur within 90 days of opening. Incomplete applications without proper and complete supporting documents will be returned.
- C. Duplicate licenses for the school and all instructors teaching in any expansion campus facility shall be conspicuously displayed therein.

D. If the ownership or address of the original, primary facility changes from that of the expanded campus facility, licensure of the expanded campus facility does not automatically continue for the expansion campus facility.

E. An expansion campus facility must bear the same name as the original, primary facility and its advertising sign must indicate the same name as the primary facility.

[16.34.8.12 NMAC - Rp 16 NMAC 34.8.12, 6/16/2001; A, 10/4/2007]

16.34.8.13 REGULATIONS CONCERNING STUDENTS:

A. Student registration

(1) When a school receives an application from a prospective student, it shall promptly notify the student of the registration requirements of the board.

(2) It shall constitute a violation of the rules, within the meaning of the act, for a school to engage in failure to transmit student registration documents and fees in a timely fashion to the board pursuant to Subsection G of 16.34.15.8 NMAC, wherein fines will be imposed.

(3) It shall be the responsibility of the prospective student to comply with the registration requirements by the first day the student attends class for credit. Failure to do so may result in loss of hours earned prior to proper registration.

(4) No school shall allow a student to attend class for credit until the student has complied with the registration requirements:

(a) Applicants for the barber, cosmetology, hairstylist, manicure/pedicure, esthetician, electrologist, and manicure/esthetician courses must be at least 16 years of age.

(b) Applicants for the instructor course for barbers must be at least 17 years of age and have successfully completed four years of high school or the equivalent.

(5) Acceptable proof of age and education requirements as follows:

(a) Proof of age includes a copy of a birth certificate, a driver's license or a state issued identification card, or a baptismal certificate.

(b) Proof of two years of secondary education includes a high school diploma, a G.E.D. certificate or transcript of G.E.D. test scores, a sealed letter from the high school attended, a copy of the high school transcript showing all required grades have been passed, a letter from the G.E.D. testing facility stating that the G.E.D. test has been passed, or any other test approved by the United States department of education for the purpose of determining an applicant's ability to benefit, providing that documentation of grade equivalency is established by the test publisher and the required grade level for the course of study has been achieved.

(c) The board, or its executive director, may accept as proof of secondary education the applicant's notarized statement that the applicant has completed the required secondary education, but has been unable to obtain documentary proof of that from a foreign nation. A notarized statement will not be accepted for students who have completed the secondary education in the United States.

(6) Evidence of compliance with the foregoing requirements shall accompany the application for registration form provided by the board.

(7) Upon receipt of a complete student registration form and applicable fee, which shall be received in the board office within 15 days of the date of registration, the board office will then issue a student permit and a permit number. The student permit authorizes the holder to practice course related skills in an approved school on the public only after successful completion of fifteen percent of the program. In addition, the student permit also authorizes the student to participate in the student externship program pursuant to 16.34.8.17 NMAC of these rules. A photograph of the student (front view, head only, at least one and one-half inches by one and one-half inches) shall be attached to the permit. The permit shall be displayed in a binder in the school in which the student is enrolled and open to review by the state inspector or other board designee. Student permits are the property of the board and must be returned to the board by the school upon termination of the student's enrollment.

(8) If inspection of the student permits and school records determines that students are attending class without being properly registered with the board, the student may be denied the hours previously accrued and the school will be reported to the board for disciplinary action.

B. Student transfers/re-entries

(1) Any previously registered student desiring to transfer to another school, or re-enter the previous school shall submit a new registration form and required fees to the board. Students transferring schools as a result of a school closure shall submit a new registration form but are not required to pay a re-registration fee. Students attending a school, which undergoes a change of ownership, are not required to re-register with the board.

(2) Any student desiring to re-enter school must submit proof of the successfully completed previous training in order to receive credit for it.

(3) A student enrolled in any course may withdraw and transfer hours or equivalent credit acquired to another course not to exceed the amount of hours or equivalent credit of each subject within the new course curriculum requirements. Appropriate termination notices and course registration documents must be submitted to the board office when a student transfers to another course.

(4) Students enrolled in the cosmetology curriculum may take the examination for one of the specialty courses at which time the school certifies that the student has completed the requirements for the course in which the student seeks licensure. All other requirements for examination must also be met. The student may continue to attend classes in the cosmetology course. However, if licensure is obtained in any specialty course and the student continues attending classes in the cosmetology course, students cannot perform any services on the public in the school for which the individual is now licensed.

C. Records of student academic progress

(1) Schools shall keep records of academic progress for each student and these records shall be open for inspection by members of the board or its designees.

(2) Schools will designate in the enrollment contract and other consumer information, all requirements for withdrawal or graduation. When all requirements have been met, the school must return the student's permit to the board, and submit a sealed official transcript of training to the board and to the student showing that course requirements for graduation have been met. The board recognizes for transfer, hours or equivalent credits reported on the official transcript of training. Circumstances regarding transfer of or approval of student hours may be brought to the board on an individual basis for special consideration by the board. The board may, in its discretion, recognize hours or equivalent credit or partial hours or partial credit for transfer when an official transcript of training has not been submitted by the school.

(3) If a student terminates his/her enrollment status without meeting all withdrawal or graduation requirements, the school in which the student was enrolled shall notify the board of termination in writing within 30 days of the student's formal termination date using the format prescribed by the board, and return the student's permit.

(3) If a student terminates their enrollment status without meeting all withdrawal or graduation requirements, the school in which student was enrolled shall notify the board of termination in writing within thirty days of the student's formal termination date using the format prescribed by the board, and return the student's permit.

(4) Schools offering clock hour training shall define its attendance requirements to include one hundred percent attendance for the course length for licensure or may allow excused absences for no more than ten percent of the course length for satisfactory course completion.

(a) student attendance policies are applied uniformly and fairly;

(b) attendance policies give appropriate credit for all hours attended;

(c) schools shall not adjust attendance hours of students whether hours are added, as a reward, or deducted, as a penalty;

(d) the school shall report actual hours attended by the student or shall round the hours to the nearest half hour (i.e. if a student attended 44 minutes past the hour, the school would report the previous half hour; if a student attended 45 minutes past the hour, the school would report the next hour);

(e) the school must maintain attendance records for each student to verify that the minimum attendance standard set forth by the board is being met; and

(f) in cases where schools are authorized to offer training via distance learning methods, the school establish standards for converting competencies achieved to clock or credit hours.

(5) To be considered a graduate, a student must have completed the course scheduled for completion and met the minimum attendance standard (or ninety percent) of the established course of study and all other academic and evaluation factors established by the school. Therefore, in addition to completion of the required hours, the student must have satisfactorily completed the practical and theoretical curriculum requirements set forth by the school. Those requirements must include documentation that the student has satisfactorily completed each unit of study prescribed by the board in the applicable course of study. The excused absences do not allow a student to accelerate in their course of study. Even though they may limit excused absences, they will not be allowed to sit for the state licensing examination until the number of hours, prescribed by the board for the applicable course of study, have elapsed.

(6) If a student is required OR allowed by the school to train more than the scheduled hours in a class day, students must be given credit for the additional time in the appropriate subject. Schools have full

discretion in setting forth class schedules for each course offered as long as minimum requirements for graduation meet the board standards.

(7) Students may not be called from a scheduled theory class to perform services on the public.

(8) Schools expressing academic measurement in terms of credit hours shall set forth requirements for each unit of study within a course or program which ensures that required levels of competency or skills ability have been met. Such schools must award appropriate credit for each unit of study completed satisfactorily. Records of the students' academic progress within the course of study must be maintained for all students.

(9) The school shall provide a catalog to prospective students containing enough information to permit an informed choice among training opportunities and institutions. Catalogs which comply with the school's accrediting agency will be deemed to comply with this rule.

(10) Schools must comply with the Family Education Right to Privacy Act and must guarantee the rights of students to have access to their cumulative records and provide for proper supervision and interpretation of student records when reviewed.

(11) Schools and students shall enter into a signed written agreement which fully and accurately reflects the contractual rights and obligations of the parties, particularly with regard to suspension, expulsion, refunds, tuition and fees, withdrawal and graduation requirements. Contracts which comply with the school's accrediting agency will be deemed in compliance with this rule.

D. Records regarding state board examinations: Each school shall disclose to prospective students its annual statistics regarding the school's state examination pass rate. The board or its designee will send a letter to each school after each examination containing the result information on each student, which will serve as the source documentation for calculating the disclosed statistics.

[16.34.8.13 NMAC - Rp 16 NMAC 34.8.13, 6/16/2001; A, 7/16/2004; A, 10/4/2007; A, 12/17/2015; A, 7/14/2018; A, 12/27/2022]

16.34.8.14 STUDENT SCHOOL GRIEVANCES: Each school licensed by the board must have an internal grievance process for students to seek solutions to any student complaint or concern that is not frivolous or without merit. Evidence of final resolution of such complaints will be retained in the school's file in order to determine the frequency, nature, and patterns of complaints for the institution. Verification that the procedure is in place and being followed will occur during routine inspections of schools. Formal complaints can be filed with the board pursuant to 16.34.13 NMAC of these rules. Schools may not retaliate against students who file complaints with the board.

[16.34.8.14 NMAC - Rp 16 NMAC 34.8.14, 6/16/2001]

16.34.8.15 CURRICULUM:

A. The following minimum curriculum requirements are established for all schools licensed under the act. Schools offering training in clock hours must meet the following minimum hours in each unit of study. Schools offering training in credit hours must offer an equivalent training program as prescribed by the schools accrediting agency clock hour/credit hour conversion formula. In absence of such a formula the state board will prescribe the credit hour/clock hour conversion formula. Schools may offer all or part of the courses set forth herein provided appropriate facility requirements are met and Instructors have appropriate practitioner training to teach the subjects offered. This does not preclude schools from offering non-related courses or advanced courses, which are not prescribed in these rules. Courses are automatically approved if the course units are between one hundred percent and one hundred twenty percent of the minimum. Schools desiring to offer instruction that exceeds one hundred twenty percent of the minimum requirements (i.e. a course that is over twenty five percent of the board's published minimum requirements) must submit to the board the following:

(1) a course outline indicating all course hours or credits offered;

(2) a class schedule for the entire course indicating how and when each unit of instruction is offered;

(3) justification of why the course should be approved at the extended length.

B. Barber course curriculum - **1200**-course hours or equivalent credit:

- (1) **THEORY: 75 hours or equivalent credit**
- (a) limited to orientation;
 - (b) state laws and regulations;
 - (c) professional image;
 - (d) first aid;

- (e) chemistry;
 - (f) electricity;
 - (g) job seeking; and
 - (h) ethics
- (2) **STERILIZATION, SANITATION, BACTERIOLOGY: 75 hours or equivalent credit**
- (a) related theory and safety;
 - (b) preparation, procedures and practice;
 - (c) products, materials and implements;
 - (d) public sanitation;
 - (e) methods of sanitation and sterilization;
 - (f) chemical agents;
 - (g) types and classifications of bacteria;
 - (h) bacterial growth;
 - (i) infections; and
 - (j) infection control and safety standards
- (3) **SHAMPOO, RINSES, SCALP TREATMENTS: 75 hours or equivalent credit**
- (a) related theory;
 - (b) anatomy;
 - (c) physiology;
 - (d) preparation;
 - (e) procedures and practice;
 - (f) products, materials and implements;
 - (g) hair analysis;
 - (h) disorders of the hair and scalp;
 - (i) hair and scalp treatments;
 - (j) related chemistry; and
 - (k) client record keeping and safety
- (4) **CHEMICAL REARRANGING - PERMS AND RELAXERS: 200 hours or equivalent credit**
- (a) related theory;
 - (b) anatomy;
 - (c) physiology;
 - (d) preparation, procedures and practice;
 - (e) products, materials and implements;
 - (f) hair analysis and client consultation;
 - (g) related chemistry; and
 - (h) client record keeping and safety
- (5) **HAIRSTYLING: 150 hours or equivalent credit**
- (a) related theory;
 - (b) anatomy;
 - (c) physiology;
 - (d) preparation, procedures and practice;
 - (e) products, materials and implements;
 - (f) hair analysis and client consultation;
 - (g) related chemistry;
 - (h) wet styling;
 - (i) blow drying;
 - (j) finger waving;
 - (k) air waving;
 - (l) hair pressing;
 - (m) hair extensions;
 - (n) hair weaving;
 - (o) braiding;
 - (p) corn rowing;
 - (q) client consultation and recommendations;
 - (r) client record keeping and safety; and

credit

- (s) care of wigs and hair pieces
- (6) HAIR COLORING - BLEACHING: **125 hours or equivalent credit**
 - (a) related theory;
 - (b) anatomy;
 - (c) physiology;
 - (d) preparation, procedures and practice;
 - (e) products, materials and implements;
 - (f) hair analysis and client consultation;
 - (g) related chemistry;
 - (h) temporary, semi-permanent, and permanent applications;
 - (i) bleaching, tinting, toning, frosting, special effects and problems;
 - (j) client consultation and recommendations; and
 - (k) client record keeping and safety
- (7) HAIR CUTTING AND BEARD TRIMMING: **250 hours or equivalent credit**
 - (a) related theory;
 - (b) anatomy;
 - (c) physiology;
 - (d) shaving, honing and stropping;
 - (e) preparation, procedures, and practice;
 - (f) use of scissors, shears, razor and clippers;
 - (g) products, materials and implements;
 - (h) client consultation and recommendations; and
 - (i) client record keeping and safety
- (8) FACIALS: **175 hours or equivalent credit**
 - (a) related theory;
 - (b) anatomy;
 - (c) physiology;
 - (d) preparation, procedures and practice;
 - (e) products, materials and implements;
 - (f) theory of massage and facial treatments;
 - (g) makeup application;
 - (h) use of electrical appliances, currents and specialized machines for treatments;
 - (i) artificial eyelashes;
 - (j) removal of unwanted hair;
 - (k) eyelash and brow tinting;
 - (l) light therapy;
 - (m) client consultation and recommendations; and
 - (n) client record keeping and safety
- (9) REQUIRED HANDS-ON-TRAINING - instructor approved procedures
 - (a) 40 facial shave;
 - (b) 30 shaving around ears and neck;
 - (c) 25 ladies haircuts;
 - (d) 75 mens haircuts;
 - (e) 25 hairstyling;
 - (f) chemical texturing:
 - (i) seven permanent waving and
 - (ii) seven permanent relaxing
- (10) SALON BUSINESS, RETAIL SALES: **50 hours or equivalent credit**
 - (a) related theory;
 - (b) opening a salon and business plan;
 - (c) written agreements;
 - (d) regulations and laws;
 - (e) salon operation, policies, practices, personnel, compensation, payroll deductions;
 - (f) use of telephone, advertising, retail and salesmanship, client communications, public relations, insurance; and

- related areas, or
- (g) salon safety
- (11) MISCELLANEOUS: **25 hours or equivalent credit**
- (a) to be applied by the Instructor to strengthen student performance in curriculum
- (b) for supervised field trips and other course related training;
- C. Cosmetology course curriculum - **1600**-course hours or equivalent credit
- (1) THEORY: **75 hours or equivalent credit**
- (a) limited to orientation;
- (b) state laws and regulations;
- (c) professional image;
- (d) first aid;
- (e) chemistry;
- (f) electricity;
- (g) job seeking; and
- (h) ethics
- (2) STERILIZATION, SANITATION, BACTERIOLOGY: **75 hours or equivalent credit**
- (a) related theory and safety;
- (b) preparation, procedures and practice;
- (c) products, materials and implements;
- (d) public sanitation;
- (e) methods of sanitation and sterilization;
- (f) chemical agents;
- (g) types and classifications of bacteria;
- (h) bacterial growth;
- (i) infections; and
- (j) infection control and safety standards
- (3) SHAMPOO, RINSES, SCALP TREATMENTS: **75 hours or equivalent credit**
- (a) related theory;
- (b) anatomy;
- (c) physiology;
- (d) preparation;
- (e) procedures and practice;
- (f) products, materials and implements;
- (g) hair analysis;
- (h) disorders of the hair and scalp;
- (i) hair and scalp treatments;
- (j) related chemistry; and
- (k) client record keeping and safety
- (4) CHEMICAL REARRANGING - PERMS AND RELAXERS: **200 hours or equivalent credit**
- (a) related theory;
- (b) anatomy;
- (c) physiology;
- (d) preparation, procedures and practice;
- (e) products, materials and implements;
- (f) hair analysis and client consultation;
- (g) related chemistry; and
- (h) client record keeping and safety
- (5) HAIRSTYLING: **150 hours or equivalent credit**
- (a) related theory;
- (b) anatomy;
- (c) physiology;
- (d) preparation, procedures and practice;
- (e) products, materials and implements;
- (f) hair analysis and client consultation;
- (g) related chemistry;

- (h) wet styling;
 - (i) blow drying;
 - (j) finger waving;
 - (k) air waving;
 - (l) hair pressing;
 - (m) hair extensions;
 - (n) hair weaving;
 - (o) braiding;
 - (p) corn rowing;
 - (q) client consultation and recommendations;
 - (r) client record keeping and safety; and
 - (s) care of wigs and hair pieces
- (6) **HAIR COLORING - BLEACHING: 125 hours or equivalent credit**
- (a) related theory;
 - (b) anatomy;
 - (c) physiology;
 - (d) preparation, procedures and practice;
 - (e) products, materials and implements;
 - (f) hair analysis and client consultation;
 - (g) related chemistry;
 - (h) temporary, semi-permanent, and permanent applications;
 - (i) bleaching, tinting, toning, frosting, special effects and problems;
 - (j) client consultation and recommendations; and
 - (k) client record keeping and safety
- (7) **HAIR CUTTING: 200 hours or equivalent credit**
- (a) related theory;
 - (b) anatomy;
 - (c) physiology;
 - (d) preparation, procedures, and practice;
 - (e) use of scissors, shears, razor and clippers;
 - (f) products, materials and implements;
 - (g) client consultation and recommendations; and
 - (h) client recordkeeping and safety
- (8) **FACIALS: 175 hours or equivalent credit**
- (a) related theory;
 - (b) anatomy;
 - (c) physiology;
 - (d) preparation, procedures and practice;
 - (e) products, materials and implements;
 - (f) theory of massage and facial treatments;
 - (g) makeup application;
 - (h) use of electrical appliances, currents and specialized machines for treatments;
 - (i) artificial eyelashes;
 - (j) removal of unwanted hair;
 - (k) eyelash and brow tinting;
 - (l) light therapy;
 - (m) client consultation and recommendations; and
 - (n) client record keeping and safety
- (9) **MANICURING/PEDICURING: 175 hours or equivalent credit**
- (a) related theory;
 - (b) anatomy;
 - (c) physiology;
 - (d) preparation, procedures and practice;
 - (e) products, materials and implements;
 - (f) theory of massage;
 - (g) advanced nail techniques;

- (h) client consultation and recommendations; and
 - (i) client record keeping and safety
 - (10) **REQUIRED HANDS-ON TRAINING: instructor approved procedures:**
 - (a) 75 ladies haircuts;
 - (b) 25 mens haircuts;
 - (c) 25 hairstylings;
 - (d) 30 coloring;
 - (e) chemical texturing:
 - (i) seven permanent waving; and
 - (ii) seven permanent relaxing
 - (11) **SALON BUSINESS, RETAIL SALES: 50 hours or equivalent credit**
 - (a) related theory;
 - (b) opening a salon and business plan;
 - (c) written agreements;
 - (d) regulations and laws;
 - (e) salon operation, policies, practices, personnel, compensation, payroll deductions;
 - (f) use of telephone, advertising, retail and salesmanship, client communications, public relations, insurance; and
 - (g) salon safety
 - (12) **MISCELLANEOUS: 300 hours or equivalent credit**
 - (a) to be applied by the Instructor to strengthen student performance in curriculum related areas; or
 - (b) for supervised field trips and other course related training
- D. Manicurist/pedicurist course curriculum - 400-course hours or equivalent credit**
 - (1) **THEORY: 75 hours or equivalent credit**
 - (a) limited to orientation;
 - (b) state laws and regulations;
 - (c) professional image;
 - (d) first aid;
 - (e) chemistry;
 - (f) electricity;
 - (g) job seeking; and
 - (h) ethics
 - (2) **STERILIZATION, SANITATION, BACTERIOLOGY: 75 hours or equivalent credit**
 - (a) related theory and safety;
 - (b) preparation, procedures and practice;
 - (c) products, materials and implements;
 - (d) public sanitation;
 - (e) methods of sanitation and sterilization;
 - (f) chemical agents;
 - (g) types and classifications of bacteria;
 - (h) bacterial growth;
 - (i) infections; and
 - (j) infection control and safety standards
 - (3) **MANICURING/PEDICURING: 175 hours or equivalent credit**
 - (a) related theory;
 - (b) anatomy;
 - (c) physiology;
 - (d) preparation, procedures and practice;
 - (e) products, materials and implements;
 - (f) theory of massage;
 - (g) advanced nail techniques;
 - (h) client consultation and recommendations; and
 - (i) client record keeping and safety
 - (4) **REQUIRED HANDS-ON TRAINING: instructor approved procedures**

- (a) 45 manicures;
- (b) 45 pedicures; and
- (c) 20 acrylic nail sets
- (5) SALON BUSINESS, RETAIL SALES: **50 hours or equivalent credit**
 - (a) related theory;
 - (b) opening a salon and business plan;
 - (c) written agreements;
 - (d) regulations and laws;
 - (e) salon operation, policies, practices, personnel, compensation, payroll
- deductions;
- (f) use of telephone, advertising, retail and salesmanship, client communications,
- public relations, insurance; and
- (g) salon safety
- (6) MISCELLANEOUS: **25 hours or equivalent credit**
 - (a) to be applied by the Instructor to strengthen student performance in curriculum
 - (b) for supervised field trips and other course related training
- related areas; or
- E. Esthetician course curriculum - 600-course hours or equivalent credit
 - (1) THEORY: **75 hours or equivalent credit**
 - (a) limited to orientation;
 - (b) state laws and regulations;
 - (c) professional image;
 - (d) first aid;
 - (e) chemistry;
 - (f) electricity;
 - (g) job seeking; and
 - (h) ethics
 - (2) STERILIZATION, SANITATION, BACTERIOLOGY: **75 hours or equivalent credit**
 - (a) related theory and safety;
 - (b) preparation, procedures and practice;
 - (c) products, materials and implements;
 - (d) public sanitation;
 - (e) methods of sanitation and sterilization;
 - (f) chemical agents;
 - (g) types and classifications of bacteria;
 - (h) bacterial growth;
 - (i) infections;
 - (j) infection control and safety standards
 - (3) FACIALS: **350 hours or equivalent credit**
 - (a) related theory;
 - (b) anatomy;
 - (c) physiology;
 - (d) preparation, procedures and practice;
 - (e) products, materials and implements;
 - (f) theory of massage;
 - (g) facial treatments and makeup application;
 - (h) use of electrical appliances, currents and specialized machines for treatments;
 - (i) artificial eyelashes;
 - (j) removal of unwanted hair;
 - (k) eyelash and brow tinting;
 - (l) light therapy;
 - (m) client consultation and recommendations; and
 - (n) client record keeping and safety
 - (4) SALON BUSINESS, RETAIL SALES: **50 hours or equivalent credit**
 - (a) related theory;
 - (b) opening a salon and business plan;

- (c) written agreements;
 - (d) regulations and laws;
 - (e) salon operation, policies, practices, personnel, compensation, payroll
- deductions;
- (f) use of telephone, advertising, retail and salesmanship, client communications, public relations, insurance; and
 - (g) salon safety
- (5) **REQUIRED HANDS-ON TRAINING: instructor approved procedures:**
- (a) 50 basic facial procedures;
 - (b) 25 machine facial procedures;
 - (c) 25 waxing procedures; and
 - (d) 10 makeup procedures
- (6) **MISCELLANEOUS: 50 hours or equivalent credit**
- (a) to be applied by the Instructor to strengthen student performance in curriculum related areas; or
 - (b) for supervised field trips and other course related training
- F. Manicurist/esthetician course curriculum - **900-course hours or equivalent credit**
- (1) **THEORY: 100 hours or equivalent credit**
- (a) limited to orientation;
 - (b) state laws and regulations;
 - (c) professional image;
 - (d) first aid;
 - (e) chemistry;
 - (f) electricity;
 - (g) job seeking; and
 - (h) ethics
- (2) **STERILIZATION, SANITATION, BACTERIOLOGY: 150 hours or equivalent credit**
- (a) related theory and safety;
 - (b) preparation, procedures and practice;
 - (c) products, materials and implements;
 - (d) public sanitation;
 - (e) methods of sanitation and sterilization;
 - (f) chemical agents;
 - (g) types and classifications of bacteria;
 - (h) bacterial growth;
 - (i) infections; and
 - (j) infection control and safety standards
- (3) **FACIALS: 350 hours or equivalent credit**
- (a) related theory;
 - (b) anatomy;
 - (c) physiology;
 - (d) preparation, procedures and practice;
 - (e) products, materials and implements;
 - (f) theory of massage;
 - (g) facial treatments and makeup application;
 - (h) use of electrical appliances, currents and specialized machines for treatments;
 - (i) artificial eyelashes;
 - (j) removal of unwanted hair;
 - (k) eyelash and brow tinting;
 - (l) light therapy;
 - (m) client consultation and recommendations; and
 - (n) client record keeping and safety
- (4) **MANICURING/PEDICURING: 175 hours or equivalent credit**
- (a) related theory;
 - (b) anatomy;
 - (c) physiology;

- (d) preparation, procedures and practice;
 - (e) products, materials and implements;
 - (f) theory of massage;
 - (g) advanced nail techniques;
 - (h) client consultation and recommendations; and
 - (i) client record keeping and safety
 - (5) **REQUIRED HANDS-ON TRAINING: instructor approved procedures**
 - (a) 50 basic facial procedures;
 - (b) 25 machine facial procedures;
 - (c) 25 waxing procedures;
 - (d) 10 makeup;
 - (e) 45 manicure;
 - (f) 45 pedicure; and
 - (g) 20 acrylic nail sets
 - (6) **SALON BUSINESS, RETAIL SALES: 75 hours or equivalent credit**
 - (a) related theory;
 - (b) opening a salon and business plan;
 - (c) written agreements;
 - (d) regulations and laws;
 - (e) salon operation, policies, practices, personnel, compensation, payroll
 - (f) use of telephone, advertising, retail and salesmanship, client communications,
 - (g) salon safety
- deductions;
- public relations, insurance; and
- (7) **MISCELLANEOUS: 50 hours or equivalent credit**
 - (a) to be applied by the Instructor to strengthen student performance in curriculum
 - (b) for supervised field trips and other course related training
- related areas; or
- G. Electrology course curriculum - 600-course hours or equivalent credit**
- (1) **THEORY: 75 hours or equivalent credit**
 - (a) limited to orientation;
 - (b) state laws and regulations;
 - (c) professional image;
 - (d) first aid;
 - (e) chemistry;
 - (f) electricity;
 - (g) job seeking; and
 - (h) ethics
 - (2) **STERILIZATION, SANITATION, BACTERIOLOGY: 75 hours or equivalent credit**
 - (a) related theory and safety;
 - (b) preparation, procedures and practice;
 - (c) products, materials and implements;
 - (d) public sanitation;
 - (e) methods of sanitation and sterilization;
 - (f) chemical agents;
 - (g) types and classifications of bacteria;
 - (h) bacterial growth;
 - (i) infections; and
 - (j) infection control and safety standards
 - (3) **ELECTROLYSIS AND THERMOLOGY: 350 hours or equivalent credit**
 - (a) related theory;
 - (b) anatomy;
 - (c) physiology;
 - (d) preparation, procedures and practice;
 - (e) products, materials and implements;
 - (f) use of electrical currents;

- (g) insertion of needles;
- (h) before and after treatment and care;
- (i) destruction of the papilla;
- (j) consultation and recommendations; and
- (k) client record keeping and safety
- (4) SALON BUSINESS, RETAIL SALES: **50 hours or equivalent credit**
 - (a) related theory;
 - (b) opening a salon and business plan;
 - (c) written agreements;
 - (d) regulations and laws;
 - (e) salon operation, policies, practices, personnel, compensation, payroll deductions;
 - (f) use of telephone, advertising, retail and salesmanship, client communications, public relations, insurance; and
 - (g) salon safety
- (5) MISCELLANEOUS: **50 hours or equivalent credit**
 - (a) to be applied by the Instructor to strengthen student performance in curriculum related areas; or
 - (b) for supervised field trips and other course related training
- H. Instructor course curriculum - 1000 course hours or equivalent credit
 - (1) THEORY: **75 hours or equivalent credit**
 - (a) limited to orientation;
 - (b) state laws and regulations;
 - (c) employment and compensation information;
 - (d) professional ethics and image;
 - (e) effective communications;
 - (f) first aid;
 - (g) chemistry;
 - (h) electricity;
 - (i) job seeking;
 - (j) ethics;
 - (k) principles of teaching;
 - (l) teacher maturity;
 - (m) student learning principles; and
 - (n) academic advising
 - (2) COURSE DEVELOPMENT AND LESSON PLANNING: **100 hours or equivalent credit**
 - (a) planning;
 - (b) analysis;
 - (c) implementation
 - (d) benefits;
 - (e) outline;
 - (f) examples of lesson plans;
 - (g) components of effective lesson plans;
 - (h) principles of preparing lesson plans; and
 - (i) practical course review
 - (3) TEACHING METHODS: **100 hours or equivalent credit**
 - (a) preparation;
 - (b) presentation;
 - (c) application;
 - (d) testing;
 - (e) lecture and workbooks;
 - (f) demonstrations and return demonstrations;
 - (g) discussion;
 - (h) question and answer;
 - (i) projects; and

- (j) field trips
- (4) **TEACHING AIDS: 50 hours or equivalent credit**
 - (a) films or videos;
 - (b) charts;
 - (c) mannequins;
 - (d) reference materials;
 - (e) chalkboards; and
 - (f) overhead projectors and transparencies
- (5) **THEORY TEACHING AND CLASSROOM MANAGEMENT: 200 hours or equivalent credit**
 - (a) independent classroom instructing;
 - (b) records and reports;
 - (c) safety measures;
 - (d) classroom conditions and maintenance;
 - (e) class supervision and control;
 - (f) classroom problems and solutions; and
 - (g) academic advising
- (6) **TESTING AND STUDENT EVALUATION: 50 hours or equivalent credit**
 - (a) measurement of student ability/achievement;
 - (b) diagnosis of student weaknesses;
 - (c) motivation for study;
 - (d) oral and written testing; and
 - (e) development and use of testing/measurement Instruments
- (7) **LABORATORY SUPERVISION: 300 hours or equivalent credit**
 - (a) independent clinic supervision;
 - (b) client communications/reception desk;
 - (c) inventory control;
 - (d) effective dispensary procedures;
 - (e) supervision of clinic sanitation/client safety; and
 - (f) technical skills ability
- (8) **MISCELLANEOUS: 125 hours or equivalent credit**
 - (a) fundamentals of business management;
 - (b) to be applied by Instructor to strengthen student performance in curriculum areas; or
 - (c) for supervised field trips and other course related training cosmetology course.
- I. **Hairstylist curriculum - 1200-course hours or equivalent credit**
 - (1) **THEORY: 75 hours or equivalent credit**
 - (a) limited to orientation;
 - (b) state laws and regulations;
 - (c) professional image;
 - (d) first aid;
 - (e) chemistry;
 - (f) electricity;
 - (g) job seeking; and
 - (h) ethics
 - (2) **STERILIZATION, SANITATION, BACTERIOLOGY: 75 hours or equivalent credit**
 - (a) related theory and safety;
 - (b) preparation, procedures and practice;
 - (c) products, materials and implements;
 - (d) public sanitation;
 - (e) methods of sanitation and sterilization;
 - (f) chemical agents;
 - (g) types and classifications of bacteria;
 - (h) bacterial growth;
 - (i) infections; and
 - (j) infection control and safety standards

- credit**
- (3) SHAMPOO, RINSES, SCALP TREATMENTS: **75 hours or equivalent credit**
 - (a) related theory;
 - (b) anatomy;
 - (c) physiology;
 - (d) preparation;
 - (e) procedures and practice;
 - (f) products, materials and implements;
 - (g) hair analysis;
 - (h) disorders of the hair and scalp;
 - (i) hair and scalp treatments;
 - (j) related chemistry; and
 - (k) client record keeping and safety
 - (4) CHEMICAL REARRANGING - PERMS AND RELAXERS: **250 hours or equivalent**
 - (a) related theory;
 - (b) anatomy;
 - (c) physiology;
 - (d) preparation, procedures and practice;
 - (e) products, materials and implements;
 - (f) hair analysis and client consultation;
 - (g) related chemistry; and
 - (h) client record keeping and safety
 - (5) HAIRSTYLING: **150 hours or equivalent credit**
 - (a) related theory;
 - (b) anatomy;
 - (c) physiology;
 - (d) preparation, procedures and practice;
 - (e) products, materials and implements;
 - (f) hair analysis and client consultation;
 - (g) related chemistry;
 - (h) wet styling;
 - (i) blow drying;
 - (j) finger waving;
 - (k) air waving;
 - (l) hair pressing;
 - (m) hair extensions;
 - (n) hair weaving;
 - (o) braiding;
 - (p) corn rowing;
 - (q) client consultation and recommendations;
 - (r) client record keeping and safety; and
 - (s) care of wigs and hair pieces
 - (6) HAIR COLORING - BLEACHING: **225 hours or equivalent credit**
 - (a) related theory;
 - (b) anatomy;
 - (c) physiology;
 - (d) preparation, procedures and practice;
 - (e) products, materials and implements;
 - (f) hair analysis and client consultation;
 - (g) related chemistry;
 - (h) temporary, semi-permanent, and permanent applications;
 - (i) bleaching, tinting, toning, frosting, special effects and problems;
 - (j) client consultation and recommendations; and
 - (k) client record keeping and safety
 - (7) HAIR CUTTING: **225 hours or equivalent credit**
 - (a) related theory;

- (b) anatomy;
 - (c) physiology;
 - (d) preparation, procedures, and practice;
 - (e) use of scissors, shears, razor and clippers;
 - (f) products, materials and implements;
 - (g) client consultation and recommendations; and
 - (h) client recordkeeping and safety
- (8) **REQUIRED HANDS-ON TRAINING: instructor approved procedures:**
- (a) 75 ladies haircuts;
 - (b) 25 mens haircuts;
 - (c) 25 hairstylings;
 - (d) 30 coloring;
 - (e) chemical texturing:
 - (i) seven permanent waving; and
 - (ii) seven permanent relaxing
- (9) **SALON BUSINESS, RETAIL SALES: 50 hours or equivalent credit**
- (a) related theory;
 - (b) opening a salon and business plan;
 - (c) written agreements;
 - (d) regulations and laws;
 - (e) salon operation, policies, practices, personnel, compensation, payroll

deductions;

public relations, insurance; and

- (f) use of telephone, advertising, retail and salesmanship, client communications,
- (g) salon safety

(10) **MISCELLANEOUS: 75 hours or equivalent credit**

(a) to be applied by the instructor to strengthen student performance in curriculum related areas; or

- (b) for supervised field trips and other course related training

J. Field trips: Students enrolled in an approved course of study are allowed to supplement their training through supervised field trips. Such trips and hours or equivalent credit accrued must be supervised and verified by a school official. Field trips, which include curriculum activities such as providing services to residents of nursing homes, must be supervised by a licensed instructor. Hours or equivalent credit accrued through field trips are recorded in the miscellaneous category. If a student is actually participating in a technical skills competition, the hours may be recorded in the applicable curriculum category.

[16.34.8.15 NMAC - Rp 16 NMAC 34.8.15, 6/16/2001; A, 12/17/2015; A, 7/14/2018]

16.34.8.16 CROSSOVER CREDITS:

A. Individuals who are licensed as barbers and who wish to become licensed as cosmetologists must have at least one year of full time, verified work experience in a licensed establishment and complete 175 course hours or applicable credit hours in a licensed school, unless otherwise approved by the board, as follows:

B. MANICURING/PEDICURING: 175 hours or equivalent credit

- (1) related theory;
- (2) anatomy;
- (3) physiology;
- (4) preparation, procedures and practice;
- (5) products, materials and implements;
- (6) theory of massage;
- (7) advanced nail techniques;
- (8) client consultation and recommendations; and
- (9) client record keeping and safety

C. Individuals who are licensed as cosmetologists and who wish to become licensed as barbers must complete 150 course hours or applicable credit hours in a school, unless otherwise approved by the board, as follows:

D. BEARD TRIMMING AND SHAVING: 150 hours or equivalent credit

- (1) related theory;

- (2) anatomy;
- (3) physiology;
- (4) preparation, procedures and practice;
- (5) products, materials and implements; and
- (6) beard trimming, shaving, honing and stropping

E. To obtain a license with the crossover credits listed above, the applicant must submit to and pass a practical examination in the applicable subject(s) only.

F. The board will consider, on a case-by-case basis, approval of crossover credits for training in other disciplines that may directly or indirectly relate to courses approved in these rules. The applicant shall furnish copies of all applicable transcripts by subject and clock or credit hours previously earned. The board may approve such hours or equivalent credits not to exceed fifty percent of the requirements for regular applicants for licensure under these rules. Credit for work experience completed in other disciplines will not be credited toward course requirements under these rules.

[16.34.8.16 NMAC - Rp 16 NMAC 34.8.16, 6/16/2001; A, 12/17/2015]

16.34.8.17 STUDENT EXTERNSHIPS:

A. Students enrolled in any course licensed by this act may, at the school's option, participate in an externship program upon completion of seventy-five percent of the contracted course of study. The externship program would allow students to train in a licensed establishment for one day or up to eight hours per week until graduation. The training would be supervised by a designated salon licensee and would include any activity that is routine in a salon except offering complete services on the public. The student would be allowed, for example, to perform receptionist duties, ASSIST stylists with salon services; perform inventory or dispensary activities, sanitation duties, etc. Students will NOT be allowed to take appointments for complete services or apply chemicals (specifically hair color or bleach, perm solution, chemical relaxers, or acrylic nail products) to any client. This program will allow students who are nearing graduation to begin a professional relationship with a salon and increase the graduate's opportunities for successful employment after graduation. In addition, it will allow the salon to perform very valuable "on-the-job" training while the student is still in training. In order to qualify for the externship program, the following requirements must be met:

- (1) the student must have successfully completed seventy-five percent of the contracted course of study;
- (2) the student must have taken and passed an interim FINAL written and practical examination establishing the individual's qualifications to assist in the establishment;
- (3) the establishment must agree to and complete a certification of attendance and training completed during the externship. The training must relate to curriculum requirements;
- (4) the student must apply for and post a student externship permit in the establishment while training in the establishment;
- (5) the student must meet any other eligibility requirement established by the school;
- (6) the establishment must notify and obtain permission from each individual client to allow the student to assist in any manner in providing services to the client.
- (7) the school must accept the training certified by the establishment and include it on the official transcript of training for state board;
- (8) a school official must make periodic visits to establishments to observe and verify the program is being followed according to requirements.

B. Establishments are not required to participate in this program. However, if they elect to participate, they must agree to comply with the requirements of the program.

[16.34.8.17 NMAC - Rp 16 NMAC 34.8.17, 6/16/2001; A, 12/17/2015]

16.34.8.18 REFRESHER COURSES:

A. Schools may offer a customized refresher course for individuals who have been out of school for 12 months or longer and not yet obtained licensure and to licensees who wish to re-enter school and update their professional skills. The following requirements must be met for those students enrolled in a refresher course who are not already licensed.

- (1) The student must be re-registered with the board and all other matriculation requirements met as required for regular students;
- (2) The earned hours or equivalent credit will be added to the student's existing transcript even though the requirements for licensure may have already been met.

(a) Successfully completed training must be reported on the official transcript of training accompanied by the student permit must be sent to the board office upon completion.

(b) A notice of termination and student permit must be sent to the board office upon termination from enrollment for unsuccessful completion of training.

B. Individuals who are already licensed who enroll in a refresher course must meet the following requirements.

C. The student file must contain a copy of the individual's current license, which may be reviewed by the inspector.

[16.34.8.18 NMAC - Rp 16 NMAC 34.8.18, 6/16/2001; A, 10/4/2007; A, 12/17/2015]

16.34.8.19 SCHOOL REGISTRATION: SCHOOL TUITION REFUND AND SETTLEMENT POLICY:

A. In cases where students are regulated by federal or special program refund policies that policy prevails. The school must publish in its enrollment agreement or registration contract a refund policy that contains the following minimum guidelines:

(1) If a student cancels the enrollment more than three business days after signing the contract but prior to starting classes, a refund of all monies paid to the school less the applicable registration (administration fee not to exceed two hundred dollars (\$200) or fifteen percent of the tuition and fees, whichever is less) will be made.

(2) For students who enroll and begin classes but withdraw prior to course completion (after three business days of signing the contract), the school must apply a refund calculation schedule at least as liberal as the following: The percent of scheduled time enrolled to total course and total tuition school shall receive or retain is as follows:

(a)	0.01% to 04.9%	20%
(b)	5% to 09.9%	30%
(c)	10% to 14.9%	40%
(d)	15% to 24.9%	45%
(e)	25% to 49.9%	70%
(f)	50% and over	100%

B. If permanently closed or no longer offering instruction after a student has enrolled, the school will provide a pro rata refund of tuition to the student.

C. If the course is canceled subsequent to a student's enrollment, the school will either provide a full refund of all monies paid or completion of the course at a later time.

D. Students who withdraw or terminate prior to course completion may be charged a separate cancellation fee not to exceed one hundred fifty dollars.

E. All extra costs, such as books, equipment, graduation fees, etc., which are not included in the tuition price must be stated in the contract and any non-refundable items will be identified. Such costs may be deducted from the contracted program cost prior to applying the tuition adjustment calculation.

F. If promissory notes or contracts for tuition are sold or discounted to third parties, the institution and/or third party must comply with this cancellation and settlement policy.

[16.34.8.19 NMAC - Rp 16 NMAC 34.8.21, 6/16/2001]

16.34.8.20 SPECIAL EVENTS PERMIT: A school desiring to sponsor a special event such as a fundraiser, garage sale, telethon, etc. that will not be conducted at the licensed establishments, must first obtain approval from the board office. The purpose of prior approval is to ensure professional integrity and that sanitation and safety requirements are met. An application on the form provided by the board office must be submitted at least ten days prior to the event. Applications for special events may be approved administratively. Special events for charities shall submit an application, no fees are required, as long as the money collected is donated to the charity specified on the application.

[16.34.8.20 NMAC - Rp 16 NMAC 34.8.22, 6/16/2001; A, 12/17/2015]

16.34.8.21 STUDENT TRAINING - HIGH SCHOOL PROGRAMS:

A. Students enrolled in the career enrichment courses (CEC) or any other associate high school program must meet the following requirements before enrolling for any course as follows:

(1) proof of completion of the second year of high school or its equivalent (i.e. only juniors and seniors can participate);

- (2) proof that student is at least sixteen years of age;
- (3) submission of a complete student registration form and required fees through the

associate school licensed under this act.

B. In order for students to receive credit for attendance in high school related programs, such as CEC or EXCEL or others, the high school must certify the training provided and send that documentation to the licensed school that has registered the student. The licensed school will report the hours or equivalent credit to the state board and identify the type of student on a separate form designated by the board upon completion of the high school training program. The following restrictions apply:

(1) Students participating in high school programs cannot earn more than fifteen percent of the program in the high school facility.

(2) The licensed school must provide the student with an OFFICIAL TRANSCRIPT OF TRAINING for all hours or equivalent credit earned under the high school program because the board office retains those records for only one year.

[16.34.8.21 NMAC -Rp 16 NMAC 34.8.23, 6/16/2001; A, 10/4/2007]

16.34.8.22 DISTANCE EDUCATION: It is recognized that delivery of relevant course content can be achieved in a variety of methods including online learning and distance education. Programs such as Instructor training may be completely accomplished via distance learning. Practitioner programs are limited to no more than twenty-five percent of the program content online. The following standards should apply when schools choose to use distance learning methods.

A. The school must notify the board and obtain approval before offering any distance learning courses.

B. The school must determine if the student has the requisite skills and competencies to succeed in a distance learning environment prior to enrollment.

C. The school must make available to students the necessary textbooks, supplementary educational materials and equipment needed to fulfill the program requirements.

D. The school must establish measurable and achievable performance outcomes that shall be compared to similar subject matter and objectives whether offered through traditional or distance methods.

E. The school must specify the expected knowledge, skills, and competency levels that students will achieve in a distance learning course.

F. The school shall effectively oversee the distance learning course and ensure it meets the objectives and mission of the school.

G. The school is responsible for the quality of courses of study offered through distance learning and the achievement of expected acceptable outcomes for each student irrespective of any contractual arrangements, partnerships, or consortia entered into with third parties for provision of components of a distance learning course.
[16.34.8.22 NMAC - N, 7/16/2004]

16.34.8.23 ADVANCED TRAINING: Educational programs provided for the purpose of continuing education or advanced education in a specific field of licensure that are more than 150 hours in length must be conducted in a licensed school and supervised by a licensed instructor whether or not the program leads to licensure. Programs for advanced or continuing education of 150 hours or less will be considered seminars or workshops. They may or may not be conducted in a licensed establishment but must be supervised by a New Mexico licensee. Advanced training must be specific to the field of licensure.

[16.34.8.23 NMAC - N, 8/29/2023]

HISTORY OF 16.34.8 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with State Records Center and Archives under:

Article VI, Schools of Cosmetology, 3/29/1989

Rule 6, Schools of Cosmetology, 3/8/1990

Rule6, Schools of Cosmetology, 3/9/1992

Article VII, Schools of Electrology, 12/22/1981

Rule 7, Schools of Electrology, 3/8/1990

Rule 7, Schools of Electrology, 3/9/1992

Rule 7, Schools, 10/19/1993

Rule 7, Schools, 5/13/1994

Rule 7, Schools, 8/12/1994

Rule 7, Schools, 5/23/1995

BBE Rule 86-1, Board of Barber Examiners, Rules and Regulations - 1986, 6/27/1986

BBE Rule 87-1, NM Board of Barber Examiners, Rules and Regulations - 1987, 11/4/1987

BBE Rule 88-1, NM Board of Barber Examiners, Rules and Regulations - 1988, 10/4/1988

History of Repealed Material:

16 NMAC 34.8, Schools - Repealed, 6/16/2001