

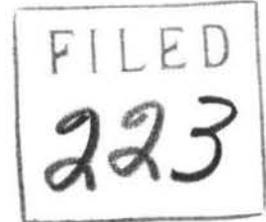
COSMETOLOGY:

A registered cosmetology school cannot require its students to pass a final examination before releasing the students hours, and allowing the students to take their state board examination. The right to a state license is not dependent upon the completion of any school's course but only upon having the qualifications required by Section 329.050, RSMo Supp. 1965, as determined by the state board.

OPINION NO. 223

June 1, 1967

Mrs. Jean Casey  
Executive Secretary  
Missouri State Board of Cosmetology  
1502 West Dunklin  
Jefferson City, Missouri



Dear Mrs. Casey:

This is in answer to your request for an opinion of this office, which request reads as follows:

"Many of the Beauty Schools in Missouri are requiring their students to pass the schools final examination before releasing the students hours, and allowing the student to take their State Board examination. Some students are spending as much as four extra months in school.

I would like to request an official Attorney General's opinion on Section 329.050.

It is my understanding of this section that as long as a student has completed the required time and hours they should be allowed to come to Jefferson City, and pass the examination to the satisfaction of the examining Board."

Section 329.050, RSMo Supp. 1965, reads as follows:

"1. Applicants for examination or registration under this chapter shall possess the following qualifications:

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(1) They must be persons of good moral character and have an education equivalent to the completion of the eighth grade;

(2) They shall have served and completed as an apprentice under the supervision of a registered licensed operator the time and studies required by the board which shall be not less than one year for hairdressers and cosmetologists with not less than two thousand four hundred forty hours, and not less than three months for manicurists with not less than three hundred hours; or shall have had the required time in a registered school of at least one thousand two hundred twenty hours' training for the classification of hairdressers and cosmetologists and at least one hundred fifty hours over a period of six weeks for manicurists, except that operators having taken manicuring together with hairdressing and cosmetology shall not be required to serve the extra hours otherwise required to include manicuring; and

(3) They shall have passed an examination to the satisfaction of the examining board.

2. The sufficiency of the qualifications of applicants shall be determined by the board but the board may delegate this authority to its secretary subject to such provisions as the board may adopt."

Section 329.060, RSMo 1959, provides that:

"1. Every person desiring to practice any of the occupations provided for in this chapter shall file with the state board of cosmetology a written application,

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under oath, on a form prescribed and supplied by the board, and shall submit proof of the required age, educational qualifications, and of good moral character together with a fee of fifteen dollars made payable to the director of revenue. \* \* \* "

Section 324.090, RSMo 1959, provides that:

"If said state board of cosmetology finds that applicant has submitted the credentials required for admission to the examination and has paid the required fee, said board shall admit such applicant to examination or registration."

Finally, Section 329.110, RSMo 1959, provides for the examination of applicants, which examination "shall be conducted under the rules prescribed by said state board of cosmetology."

The "State Board of Cosmetology," then, has the authority and duty to determine the sufficiency of the qualifications of applicants for a certificate. This authority may be delegated to the secretary of the board, Section 329.050.2, supra, but not to anyone else.

Two qualifications are brought in question by your opinion request. They are passing an examination, and completing the required training in a registered school.

Section 329.040, RSMo 1959, provides for cosmetology schools and sets out the required course of training and also what the training shall consist of. This section reads in part as follows:

" \* \* \* and shall require a course of training not less than one thousand two hundred twenty hours over a period of six consecutive months for the classified occupation of hairdresser and cosmetologist and not less than one hundred and fifty hours for the classified occupation of manicurist, such training to include practical demonstrations, written or oral tests, and practical instruction in sanitation, sterilization and the use of antiseptics, cosmetics and electrical appliances, consistent with the practical and theoretical requirements as applicable to the classified occupations as provided in this chapter; provided, however, that when the classified occupation of manicuring is

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taken in conjunction with the classified occupation of hairdresser and cosmetologist as provided in this chapter there need be no additional hours added to said classification for the occupation of manicuring.\* \* \* "

Although Section 329.040, supra, provides for written or oral tests by a cosmetology school this is merely authorized as a part of a student's "training." Only the Cosmetology Board has the authority to give an examination as a prerequisite to a certificate.

The requirement of training in a registered school consists of a certain number of hours of training. The sufficiency of this training is to be determined by the board, not the school.

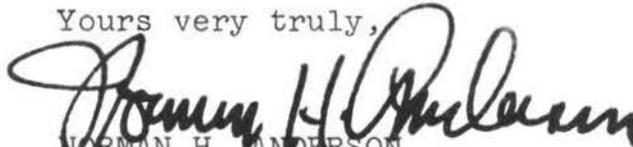
Therefore, it is our opinion that a registered cosmetology school cannot require their students to pass a final examination before releasing the student hours, and allowing the students to take their state board examination. Only the board can determine if the required training time has been completed.

#### CONCLUSION

It is the opinion of this office that a registered cosmetology school cannot require its students to pass a final examination before releasing the students hours, and allowing the students to take their state board examination. The right to a state license is not dependent upon the completion of any school's course, but only upon having the qualifications required by Section 329.050, RSMo Supp. 1965, as determined by the state board.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Walter W. Nowotny, Jr.

Yours very truly,

  
NORMAN H. ANDERSON  
Attorney General