

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
State Board of Education
(DLS Control No. 16-294)**

Overview and Legal and Fiscal Impact

The regulations update and clarify terminology and requirements governing the program for cosmetology.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

State Board of Education:

Specific Subjects: Program in Cosmetology:
COMAR 13A.04.19.01 through .09

Background

Under Title 21, Subtitle 2 of the Education Article, the State assents to several federal acts that provide federal funds to support career and technology education programs in the State. Specifically, under § 21-202 of the Education Article, the State Board of Education is designated as the sole State agency responsible for the administration of the Carl D. Perkins Career and Technical Education Act, which provides federal funds to support career and technology programs in the public schools. Further, under § 21-203 of the Education Article, as part of its oversight responsibility, the State Board works collaboratively with the Board of Cosmetologists to address academic and occupational concerns, career development, and work experience for students enrolled in career and technology programs in public schools.

Legal Analysis

Summary of Regulations

The regulations update and clarify terminology and requirements governing the program for cosmetology by:

- repealing COMAR 13A.04.19.03 because the State Board of Cosmetology no longer offers a makeup artist license;
- updating the name of the “Division of Career Technology and Adult Learning” to the “Division of Career and College Readiness”;
- clarifying that students’ work-study is to be conducted under a work-based learning agreement with a cosmetology school;
- requiring that student records be used to comply with the testing vendor’s process for certifying student training and verifying student experience;
- updating the name of the student organization that is focused on cosmetology by repealing the reference to “Vocational Industrial Clubs of America” and substituting instead “Skills USA”; and
- updating miscellaneous COMAR citations throughout the regulations.

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The regulation cites §§ 5-301 through 5-305, 5-509, 5-523, and 5-608 of the Business Occupations and Professions Article as authority for the regulation. Section 5-302 requires that a teacher who supervises a cosmetology student must meet the requirements established by the Department of Education for public school programs or the Maryland Higher Education Commission for private school programs. Sections 5-304 and 5-305 requires that an applicant for a license or limited license to practice as a cosmetologist successfully complete a program in a cosmetology school that is approved by the State board or the Maryland Higher Education Commission in consultation with the Board of Cosmetology. Section 5-509 requires the Board of Cosmetology to adopt regulations to ensure that each cosmetology school approved by the State board or the Maryland Higher Education Commission is operated in a sanitary manner and that the regulations provide for the reporting of violations of the regulations to the Maryland State Department of Education or the Maryland Higher Education Commission.

The remaining cited authority is not relevant to these regulations.

Although not cited by the State board, Title 21, Subtitle 2 of the Education Article provides additional statutory authority for these regulations. As discussed above, this subtitle vests broad authority in the State board to administer federally funded career and technology education programs in the public schools.

With the addition of Title 21, Subtitle 2 of the Education Article, the relevant cited authority is correct and complete. The regulation complies with the legislative intent of the law.

Technical Corrections and Special Notes

Please note that prior to publication the State board updated its Statement of Purpose to accurately reflect the proposed changes to COMAR 13A.04.19.05B(4). Additionally, the Department of Legislative Services staff has requested that the State board notify the Division of State Documents to include Title 21, Subtitle 2 of the Education Article as additional statutory authority when the regulation is published.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulations make a number of updates and clarifications to regulations regarding cosmetology programs in public schools. The department advises that the regulations have no impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

Legal Analysis: Theodore E. King, Jr. – (410) 946/(301) 970-5350

Fiscal Analysis: Caroline L. Boice – (410) 946/(301) 970-5510