

FILE

Subject

*State Board  
Cosmetology*

Copy to



STATE OF KANSAS

*Office of the Attorney General*

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER  
Attorney General

August 14, 1974

Opinion No. 74- 270

Mr. Henri Fournier  
Executive Director  
State Board of Cosmetology  
630 Kansas Avenue  
Topeka, Kansas 66603

Dear Mr. Fournier:

K.S.A. 65-1903 provides in pertinent part thus:

"An instructor is one who teaches the profession of cosmetology, as herein defined, in a registered beauty school or beauty shop. To qualify for an instructor's permit, the applicant must be a licensed cosmetologist, and furnish evidence that he has completed a four-year high-school course or the equivalent thereof. The applicant may then be issued an instructor's temporary permit, which shall be valid for two (2) years only, during which time he must qualify for an instructor's license by completing at least sixty (60) hours of professional teacher training and forty (40) hours of training in advanced hair styling. An instructor who has held a valid instructor's license for three (3) years may renew such license upon applicant furnishing satisfactory evidence that he has completed an additional sixty (60) hours of approved professional teacher training and forty (40) hours of training in advanced hair styling in a five-year period."

You advise that pursuant to this provision, the holder of an instructor's temporary permit is required by the Board to complete the sixty hours of professional teacher training, and forty hours of training in advanced hair styling during a two-year period after issuance of the temporary permit. These hours are usually taken at work shops and seminars held with Kansas State College of Pittsburg and Kansas University, in conjunction with and approved by the State Board of Cosmetology.

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You indicate that the position has now been taken by some that the holder of an instructor's temporary permit should be deemed to have satisfied the requirement of additional 60/40 hours of training by employment in a school for two years. This position is absolutely groundless, and ignores entirely the plain and unambiguous requirement that the holder of an instructor's temporary permit complete the required hours of professional teacher training and training in advanced hair styling. This requirement is not satisfied merely by employment as an instructor, furnishing training to others. It is satisfied only when the holder of the temporary permit receives the required training himself.

Thus, in response to your first question, whether "an instructor working on a two year Instructor's permit [may] obtain an Instructor's license without first taking additional training of 60 hours teacher's training and 40 hours of hair styling," the answer is no.

You inquire secondly, "[i]f they are required to have additional hours, when an instructor is working on a permit and fails to obtain the required 60-40 hours training, how can they again teach?" Specifically, you inquire whether such a person may continue to work on a new temporary permit. K.S.A. 65-1905(b) specifies that an applicant may be issued "an instructor's temporary permit, which shall be valid for two (2) years *only* . . . ." [Emphasis supplied.] The statute does not authorize renewal of a temporary permit under any circumstances, although it does authorize renewal of an instructor's license. Renewal of a temporary permit would defeat the express direction of the statute that such a permit entitles the holder thereof to practice thereunder for two years only. Renewal, not authorized by statute, would permit persons who lack the statutory qualifications for an instructor's license to continue to practice the instruction of cosmetology indefinitely and perpetually, under a succession of renewals of temporary permits. The act does authorize such renewals, and in our view, such renewals are not permissible.

Yours very truly,



VERN MILLER  
Attorney General

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