



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

December 1, 1977

ATTORNEY GENERAL OPINION NO. 77-372

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

Re: Cosmetology--Licenses--Requirements

Synopsis: The holder of an instructor's temporary permit must take and complete 60 hours of professional teacher training and 40 hours of advanced hair styling training before becoming eligible for issuance of an instructor's license. If an instructor who has held a valid instructor's license for a three-year period fails to complete the additional hours during that period, the holder is not entitled to renewal thereof until he or she applies to the board for renewal and demonstrates that during the five-year period immediately preceding the date of application for renewal, that he or she has completed an additional 60/40 hours as described in K.S.A. 1976 Supp. 65-1903(b), and the last sentence thereof.

* * *

Dear Mr. Fournier:

In 1974, Attorney General Vern Miller reviewed that portion of K.S.A. 65-1903 which dealt with the issuance of instructors' permits and licenses. You ask that we again review this subject, because of two recurring questions.

K.S.A. 1976 Supp. 65-1903(b) states in pertinent part thus:

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"An instructor is one who teaches the profession of cosmetology, as herein defined, in a licensed beauty school or beauty shop. To qualify for an instructor's permit, the applicant must be licensed as a cosmetologist under this act or the act of which this section is amendatory, and furnish evidence that he or she 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 or she 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 the applicant furnishing satisfactory evidence that he or she has completed an additional sixty (60) hours of approved professional teacher training and forty (40) hours of training in advanced hair styling in a fiveyear period."

You ask, first, whether the law requires the holder of a two-year instructor's permit to complete the sixty-forty hours requirement before becoming eligible for issuance of the three-year instructor's license. In my judgment, the language quoted above is abundantly clearly, that an instructor's temporary permit is valid for two years only, during which time the holder of the temporary permit must complete at least sixty hours of professional teacher training and forty hours of training in advanced hair styling. These hour requirements must be satisfied during the two year period immediately following issuance of the instructor's temporary permit. In 1974, this office understood that some persons had taken the position that the holder of an instructor's temporary permit should be deemed to have satisfied the 60/40 hours of training by employment in a school for two years. This position is as "absolutely groundless" today as it was declared to be in 1974. Apparently, it is the view of some that the holder of an instructor's temporary permit satisfies the additional training requirement merely by giving training to others. The statute is clear, that it is the holder of the instructor's temporary permit must, himself or herself, complete the required hours of training, and not merely offer the training to others.

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Thus, in response to your first question, we reiterate and reaffirm the answer given by Attorney General Vern Miller in Opinion No. 74-270, that the holder of an instructor's temporary permit is not eligible for the three-year instructor's license unless and until the holder of the temporary permit has completed taking the additional training of 60 hours of professional teacher training and 40 hours of training in advanced hair styling.

In late 1974, the question was presented to this office whether the hours which are completed by the holder of an instructor's temporary permit must be "approved" by the board, as hours completed by the holder of an instructor's license must be approved in order to renew that license. In my judgment, the hours which are completed by the holder of an instructor's temporary permit must be approved by the board in order to authorize issuance of an instructor's license.

Secondly, you ask what, if anything, is issued to the holder of the five-year license when the holder fails to complete the 60-40 hours of additional training required for renewal thereof. The pertinent language states thus:

"An instructor who has held a valid instructor's license for three (3) years may renew such license upon the applicant furnishing satisfactory evidence that he or she 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."

If an instructor who has held a valid instructor's license for a three-year period fails to complete the additional hours during that period, the holder is not entitled to renewal thereof until he or she applies to the board for renewal and demonstrates that during the five-year period immediately preceding the date of application for renewal, that he or she has completed an additional 60-40 hours as described in the language quoted supra.

Yours truly,


CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj