THE ARIZONA ADMINISTRATIVE CODE

Within the stated calendar quarter, this Chapter contains all rules made, amended, repealed, renumbered, and recodified; or rules that have expired or were terminated due to an agency being eliminated under sunset law. These rules were either certified by the Governor’s Regulatory Review Council or the Attorney General’s Office; or exempt from the rulemaking process, and filed with the Office of the Secretary of State. Refer to the historical notes for more information. Please note that some rules you are about to remove may still be in effect after the publication date of this Supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

Title 4. Professions and Occupations

Chapter 5. Board of Barbers

Supplement 17-1

Sections, Parts, Exhibits, Tables or Appendices modified

R4-5-103

REMOVE Supp. 15-4
REPLACE with Supp. 17-1

Pages: 1 - 12
Pages: 1 - 13

The agency’s contact person who can answer questions about rules in Supp. 17-1:

Agency: Board of Barbers
Name: Sam Barcelona
Address: 1400 W. Washington St., Suite 220
         Phoenix, AZ 85007
Telephone: (602) 542-4498
Fax: (602) 542-3093
E-mail: sam.barcelona@azbarberboard.us
Web site: www.barberboard.az.us

Disclaimer: Please be advised the person listed is the contact of record as submitted in the rulemaking package for this supplement. The contact and other information may change and is provided as a public courtesy.
Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the Administrative Code. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director
PUBLIC SERVICES DIVISION
March 31, 2017

RULES
A.R.S. § 41-1001(17) states: “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

THE ADMINISTRATIVE CODE
The Arizona Administrative Code is where the official rules of the state of Arizona are published. The Code is the official codification of rules that govern state agencies, boards, and commissions. Virtually everything in your life is affected in some way by rules published in the Arizona Administrative Code, from the quality of air you breathe to the licensing of your dentist. This chapter is one of more than 230 in the Code compiled in 21 Titles.

ADMINISTRATIVE CODE SUPPLEMENTS
Rules filed by an agency to be published in the Administrative Code are updated quarterly. Supplement release dates are printed on the footers of each chapter:

First Quarter: January 1 - March 31
Second Quarter: April 1 - June 30
Third Quarter: July 1 - September 30
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2017 is cited as Supp. 17-1.

HOW TO USE THE CODE
Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the Arizona Administrative Register for recent updates to rule Sections.

ARTICLES AND SECTIONS
Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering system separated into subsections.

HISTORICAL NOTES AND EFFECTIVE DATES
Historical notes inform the user when the last time a Section was updated in the Administrative Code. Be aware, since the Office publishes each quarter by entire chapters, not all Sections are updated by an agency in a supplement release. Many times just one Section or a few Sections may be updated in the entire chapter.

ARIZONA REVISED STATUTE REFERENCES
The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, www.azleg.gov. An agency’s authority note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

SESSION LAW REFERENCES
Arizona Session Law references in the introduction of a chapter can be found at the Secretary of State’s website, www.azsos.gov/services/legislative-filings.

EXEMPTIONS FROM THE APA
It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the Arizona Administrative Register online at www.azsos.gov/rules, click on the Administrative Register link.

In the Administrative Code the Office includes editor’s notes at the beginning of a chapter indicating that certain rulemaking Sections were made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

EXEMPTIONS AND PAPER COLOR
If you are researching rules and come across rescinded chapters on a different paper color, this is because the agency filed a Notice of Exempt Rulemaking. At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

PERSONAL USE/COMMERCIAL USE
This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

Public Services managing rules editor, Rhonda Paschal, assisted with the editing of this chapter.
EDITOR'S NOTE: 4 A.A.C. 5 consists of new rules for the Board of Barbers that were made by final rulemaking at 11 A.A.R. 1422, effective April 5, 2005 (Supp. 05-2).

EDITOR'S NOTE: 4 A.A.C. 5, formerly the rules for the Board of Barber Examiners, expired under A.R.S. § 41-1056(E) at 10 A.A.R. 2942, effective May 31, 2004. The rescinded Chapter, with Historical Notes, is on file in the Office of the Secretary of State (Supp. 04-2).

ARTICLE 1. GENERAL PROVISIONS

Article 1, consisting of R4-5-101 through R4-5-108, made by final rulemaking at 11 A.A.R. 1422, effective April 5, 2005 (Supp. 05-2).

Section
R4-5-101. Definitions ..................................................... 2
R4-5-102. Fees and Service Charges .................................... 2
R4-5-103. Fee Payment ..................................................... 3
R4-5-104. Safety and Infection Control Provisions .............. 3
R4-5-105. Repealed ..................................................... 4
R4-5-106. Change of Ownership or Location ....................... 4
R4-5-107. Inspections ..................................................... 4
R4-5-108. Licensing Time-frames ................................... 5
Table 1. Time-frames (in days).......................................... 5
R4-5-109. License Renewal ................................................. 5

ARTICLE 2. EXAMINATION; BARBER AND INSTRUCTOR LICENSE APPLICATION

Article 2, consisting of R4-5-201 through R4-5-204, made by final rulemaking at 11 A.A.R. 1422, effective April 5, 2005 (Supp. 05-2).

Section
R4-5-201. Examinations ................................................... 5
R4-5-202. Barber License Application ................................. 6
R4-5-203. Instructor License Application ......................... 6
R4-5-204. Renumbered .................................................... 7

ARTICLE 3. SHOPS

Article 3, consisting of R4-5-301 through R4-5-304, made by final rulemaking at 11 A.A.R. 1422, effective April 5, 2005 (Supp. 05-2).

ARTICLE 4. SCHOOLS

Article 4, consisting of R4-5-401 through R4-5-411, made by final rulemaking at 11 A.A.R. 1422, effective April 5, 2005 (Supp. 05-2).

Section
R4-5-401. Application for a License to Operate a Shop .......7
R4-5-402. Basic Equipment Required in a Shop ....................8
R4-5-403. School Premises and Basic Equipment .......... 9
R4-5-404. School Operations .......................................... 10
R4-5-405. School Operations .......................................... 10
R4-5-406. School Curriculum ........................................... 11
R4-5-407. School Records ................................................. 11
R4-5-408. School Records ................................................. 11
R4-5-409. School Closure ............................................... 12
R4-5-410. Repealed ..................................................... 12
R4-5-411. Offsite Training Facility ................................. 12

ARTICLE 5. HEARINGS

Article 5, consisting of R4-5-501 through R4-5-502, made by final rulemaking at 11 A.A.R. 1422, effective April 5, 2005 (Supp. 05-2).

Section
R4-5-501. Hearing Procedures ........................................ 12
R4-5-502. Rehearing and Review of Decision ................... 12
ARTICLE 1. GENERAL PROVISIONS

R4-5-101. Definitions
The definitions in A.R.S. § 32-301 apply to this Chapter. Additionally, the following definitions apply to this Chapter unless the context otherwise requires:

“Barber pole” means a stationary or revolving sign composed of a vertical cylinder or pole with alternating, diagonal, stripes of any combination including red, white, and blue or a likeness of the sign.

“Barbering implement” means any tool or device used for barbering.

“Certified hour” means instructional hours for which a barber school has issued a student a Certification of Completion or Withdrawal.

“Change of ownership” means there is a change of 10 percent or more of the owners holding a license to operate a shop or school.

“Diploma from a high school or its equivalent,” as used in A.R.S. § 32-323(B), means any of the following:

A document that certifies successful course completion from any accredited secondary school in the United States, a U.S. territory, the District of Columbia, or a foreign country;

A high school equivalency diploma that certifies successful passing of a General Education Development “GED” test; or

An academic degree from an accredited college or university.

“Direct supervision” means a supervisor is physically present and observing the work of a supervisee.

“Domestic administration” means barbering performed:

On oneself, or

On another person to whom the practitioner is related as follows:
Father,
Mother,
Grandfather,
Grandmother,
Child,
Step-child,
Brother,
Sister,
Foster parent,
Legal guardian,
Step-parent, or
Spouse.

“EPA” means the United States Environmental Protection Agency.

“Establishment” means a distinct physical location in which a shop or school is located but does not include an offsite training facility.

“Instructional hour” means 60 minutes during which a student receives classroom or practical instruction.

“Liquid sanitizer” means a container large enough to immerse completely any barbering implement that requires disinfecting by a solution made from an EPA-registered disinfectant.

“One year’s experience as a licensed barber,” as used in A.R.S. § 32-322(C), means that during 12 consecutive months, an individual:

Maintained a valid license prescribed under A.R.S. § 32-322, and

Engaged in barbering at least 1,500 hours.

“Owner” means a person that has controlling interest in a barber shop or school or the owner’s designee.

“Practiced barbering for at least two years,” as used in A.R.S. § 32-323(B), means that during 24 consecutive months, an individual engaged in barbering at least 1,500 hours during each 12-month consecutive period.

“Tool drawer” means an ultraviolet electrical sanitizer or a clean, dust-proof cabinet, drawer, or other container that is disinfected with an EPA-registered disinfecting agent and used exclusively to store disinfected barbering implements.

“Two years of high school education or its equivalent,” as used in A.R.S. § 32-322(B), means either of the following:

Successfully completing 10 high school credits, or
Passing a GED test.

“Workstation” means a specific location within a shop, mobile unit, offsite training facility, or school where barbering is performed not including hair-cleaning activity.

Historical Note
New Section made by final rulemaking at 11 A.A.R. 1422, effective April 5, 2005 (Supp. 05-2). Section amended by final rulemaking at 21 A.A.R. 2528, effective December 8, 2015 (Supp. 15-4).

R4-5-102. Fees and Service Charges
A. Under authority of A.R.S. § 32-328, the Board charges the following fees:

1. Barber:
   a. Examination $100.
   b. License by reciprocity $175.
   c. Initial license $40.
   d. Renewal valid for two years $80.

2. Instructor:
   a. Examination $100.
   b. Initial license $50.
   c. Renewal valid for two years $60.

3. Shop:
   a. Application and initial inspection $150.
   b. Change of location $85.
   c. Change of ownership $85.
   d. Renewal $50 annually.

4. Late-renewal fee for any license issued under subsections (A)(1) through (A)(3):
   a. First time in a five-year period $25 plus the renewal fee.
   b. Second time in a five-year period $50 plus the renewal fee.
   c. Third time in a five-year period $75 plus the renewal fee.

5. School:
   a. Application and initial inspection $1,000.
   b. Change of location $500.
   c. Change of ownership $500.
   d. Renewal $400 annually.
   e. Late-renewal fee:
i. First time in five-year period $50 plus the renewal fee.
ii. Second time in five-year period $100 plus the renewal fee.
iii. Third time in five-year period $150 plus the renewal fee.

6. Re-examination fee for an examinee who failed part of an examination after an original fee assessment under subsection (A)(1)(a) or (A)(2)(a):
   a. Written $25.
   b. Practical $50.

7. A duplicate of any license issued under this Chapter $20.

B. The Board shall consider a fee payment timely if:
   1. The Board receives the fee on or before the date due, or
   2. The fee is postmarked or electronically submitted on or before the date due.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1422, effective April 5, 2005 (Supp. 05-2). Section amended by final rulemaking at 21 A.A.R. 2528, effective December 8, 2015 (Supp. 15-4).

R4-5-103. Fee Payment
A. A person shall pay any fee required by the Board in full by certified instrument, money order, or credit or debit card.
B. The Board shall consider a fee payment timely if:
   1. The Board receives the fee on or before the date due, or
   2. The fee is postmarked or electronically submitted on or before the date due.

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1422, effective April 5, 2005 (Supp. 05-2). Section amended by final rulemaking at 21 A.A.R. 2528, effective December 8, 2015 (Supp. 15-4). Section amended by final rulemaking at 23 A.A.R. 490, effective April 8, 2017 (Supp. 17-1).

R4-5-104. Safety and Infection Control Provisions
A. A licensee under A.R.S. Title 32, Chapter 3, and this Chapter shall adhere to the following safety and infection control procedures:
   1. Use barbering implements that are:
      a. New if intended for use on a single patron and disposed of immediately after use in a covered waste receptacle; or
      b. In good repair, free of defect, and disinfected as described in subsection (A)(2) if intended for multiple use;
   2. Disinfect any barbering implement intended for multiple use according to the following procedure:
      a. For a non-electric barbering implement and removable parts of an electric barbering implement, other than a scissors or razor:
         i. Remove all hair or debris;
         ii. Wash with soap and water;
         iii. Rinse with clean water;
         iv. Completely immerse in an EPA-registered disinfectant used according to manufacturer’s instructions;
         v. Dry with a clean cloth or air dry; and
         vi. Store in a tool drawer;
      b. For a scissors or a razor:
         i. Follow the procedure under subsection (A)(2)(a); or
         ii. Wipe the scissors or razor with a cloth bearing an EPA-registered disinfectant used according to manufacturer’s instructions and store the scissors or razor in a tool drawer; and
   c. For an electric barbering implement:
      i. Remove all hair or debris;
      ii. Wipe or spray any parts that contact a patron with an EPA-registered disinfectant used according to manufacturer’s instructions; and
      iii. Store in a tool drawer.
   3. Care and storage of barbering products. A licensee shall dispense any barbering product listed under subsection (A)(3)(a) according to the procedure prescribed under subsection (A)(3)(b).
      a. A barbering product under this subsection includes any:
         i. Oil,
         ii. Gel,
         iii. Shampoo,
         iv. Cream,
         v. Antiseptic,
         vi. Clay,
         vii. Ointment,
         viii. Waxes, or
         ix. Other product intended for use on a patron,
      b. Product-dispensing procedure. Avoid direct manual contact with a barbering product by:
         i. Using a manufacturer’s dispensing device included with the original container; or
         ii. Using a new disposable or disinfected reusable spoon, spatula, or similar dispensing implement when no manufacturer dispensing device is included with the original container;
      c. After a barbering product is dispensed, do not return any portion of the dispensed product to the original container; and
      d. Maintain all barbering product containers with clear, correct labels indicating contents and intended use;
   4. Ensure that the disinfecting solution required under subsection (A)(2) is changed if it becomes contaminated or according to the manufacturer’s instructions;
   5. Maintain towels or cloths for patron use that are:
      a. New and disposed immediately after use if intended for single use,
      b. Disinfected by laundering with detergent and chlorine bleach if intended for multiple use,
      c. Stored in a closed container when disinfected before use, and
      d. Stored in a closed, ventilated, container separate from disinfected towels or cloths after use;
   6. Maintain a separate, covered, non-leaking, receptacle for garbage and hair and empty, clean, and disinfect the receptacle daily;
   7. Exposure to blood or other body fluids. If there is a blood spill or exposure to other body fluids while performing a barbering service, a licensee shall stop the service and:
      a. If the blood spill or body fluid is on a patron, the licensee shall:
         i. Put disposable gloves on both of the licensee’s hands;
         ii. Use a disposable instrument to clean the wound with an antiseptic solution and dispose of the soiled instrument immediately;
iii. Use a disposable instrument to apply powdered alum, styptic powder, or a cyanoacrylate to stop bleeding and dispose of the soiled instrument immediately;
iv. Cover the wound with a sterile bandage; and
v. Dispose of the gloves used;
b. If the blood spill or body fluid results from an injury to the licensee, the licensee shall comply with subsections (A)(7)(a)(ii) through (iv) and cover the affected area with a clean, fluid-proof glove or finger cover;
c. If the blood spill or body fluid contacts any surface area, the licensee shall disinfect the surface area with an EPA-registered disinfectant used according to the manufacturer’s instructions; and
d. If the blood spill or body fluid contacts any barbering instrument, the licensee shall disinfect the barbering instrument as specified in subsection (A)(2);
8. Patron protection. A licensee shall protect the health and safety of a patron by:
a. Washing the licensee’s hands with liquid or powder soap and water before serving each patron;
b. Disinfecting the head rest of the barber or styling chair after each use or at least daily;
c. Placing a clean towel or paper sheet on the head rest of the barber or styling chair for each patron;
d. Using a clean neck strip with each patron to avoid having the patron contact a non-sanitized object;
e. Not performing a barbering service on a patron while the licensee has a contagious disease unless a medically-approved measure is used to prevent transmission of the disease; and
f. Not knowingly performing a barbering service on a patron who has a contagious disease;
9. Prohibited products. To protect the health and safety of a patron, a licensee shall not use any of the following products when performing barbering services:
a. Methyl Methacrylate liquid monomers;
b. Alum or other astringents in stick or lump form;
c. Fumigants such as formalin (formaldehyde) tablets or liquids;
d. Any product that penetrates the dermis layer of the skin; and
e. Any product that is banned or deemed to be poisonous or unsafe by any responsible federal, state, or local governmental entity.
10. Prohibited practices. To protect the health and safety of a patron, a licensee shall not engage in the following practices when performing barbering services:
a. Allow any animal except a service animal on the establishment premises. A covered aquarium that is not used as a substitute for a service animal is allowed; or
b. Use a shaving brush and mug unless the shaving brush and mug are personally owned by the patron.
B. In addition to licensee requirements under subsection (A), the holder of a license to operate a shop or school shall:
1. Ensure that flooring within six feet of each workstation is made of smooth, durable, and impervious material;
2. Maintain all furniture and fixtures of each establishment in a clean and orderly manner at all times;
3. Provide at least one restroom located on or near the establishment premises; and
4. Comply with all state, local, and federal requirements.

Historical Note
New Section made by final rulemaking at 11 A.A.R. 1422, effective April 5, 2005 (Supp. 05-2). Section amended by final rulemaking at 21 A.A.R. 2528, effective December 8, 2015 (Supp. 15-4).

R4-5-105. Repealed

Historical Note
New Section made by final rulemaking at 11 A.A.R. 1422, effective April 5, 2005 (Supp. 05-2). Section repealed by final rulemaking at 21 A.A.R. 2528, effective December 8, 2015 (Supp. 15-4).

R4-5-106. Change of Ownership or Location
A. A license issued to operate a shop or school is not transferable to:
1. A location other than the location specified on the license; or
2. An owner other than the owner specified on the license.
B. A change in the owner or location of a shop or school requires that the owner apply for a new license.
C. At least 15 days before a change in location or ownership of a shop or school, the owner of the re-located shop or school or the new owner shall submit the following to the Board:
1. Written notification of the change;
2. A completed application to operate a shop, as prescribed under R4-5-301, or school, as prescribed under R4-5-401; and

Historical Note
New Section made by final rulemaking at 11 A.A.R. 1422, effective April 5, 2005 (Supp. 05-2). Section amended by final rulemaking at 21 A.A.R. 2528, effective December 8, 2015 (Supp. 15-4).

R4-5-107. Inspections
A. Applicability. This Section applies to any barbering establishment operating within Arizona and any establishment for which application for licensure has been made.
B. Time of inspection. An inspector designated by the Board:
1. Shall inspect the premises of each establishment for which an application for licensure has been made,
2. Shall inspect each establishment’s premises one or more times per calendar year, and
C. Inspection procedure. According to the requirements of A.R.S. Title 32, Chapter 3, and this Chapter, the Board’s inspector shall document that:
1. Each applicable license issued is current and displayed as prescribed under A.R.S. § 32-351;
2. Equipment and barbering implements are present, clean, and in appropriate quantity to the number of employees in the establishment;
3. Each product, implement, and procedure is maintained or followed appropriately by establishment staff; and
4. All applicable statutes and rules are followed.
D. Inspection findings. An inspector shall submit a copy of a completed inspection report to:
1. The license holder or individual assigned by the license holder to operate the inspected establishment; and
2. The Board.
E. Disciplinary action. The Board shall follow disciplinary procedures prescribed under A.R.S. §§ 32-352 through 32-356 for any inspection finding indicating a violation of any provision under A.R.S. Title 32, Chapter 3, or this Chapter.

Historical Note
New Section made by final rulemaking at 11 A.A.R.
1422, effective April 5, 2005 (Supp. 05-2). Section amended by final rulemaking at 21 A.A.R. 2528, effective December 8, 2015 (Supp. 15-4).

R4-5-108. Licensing Time-frames
A. The overall time-frame described in A.R.S. § 41-1072(2) for all licenses issued by the Board under A.R.S. Title 32, Chapter 3, and this Chapter is specified in Table 1. An applicant and the Executive Director of the Board may agree in writing to extend the substantive review and overall time-frames by no more than 25 percent of the overall time-frame.

B. The administrative completeness review time-frame described in A.R.S. §41-1072(1) for a license issued by the Board is specified in Table 1 and begins on the date the Board receives a license application.
1. If the application is incomplete, the Board shall send the applicant a notice of administrative deficiency specifying the information or documents required to complete the application. The administrative completeness review and overall time-frames are suspended until the Board receives the missing information or documents.
2. If the application is complete, the Board shall send the applicant a notice of administrative completeness.

C. The substantive review time-frame described in A.R.S. § 41-1072(3) for a license issued by the Board begins on the postmark date of the notice of administrative completeness sent under subsection (B)(2).
1. As part of the substantive review for an initial shop or school license, the Board shall inspect the applicant’s premises according to the procedure prescribed under R4-5-107.

2. During the substantive review time-frame, the Board may send a single comprehensive written notice of request for additional information that includes a written statement of the additional information needed for the Board to make a decision. The substantive review and overall time-frames are suspended from the postmark date of the comprehensive written request for additional information until the Board receives the additional information. The Board and the applicant may agree in writing to allow the Board to submit additional supplemental requests for information.

D. The Board shall close the file of an applicant if the applicant fails to submit all required information to the Board within the time specified in Table 1. If a person whose file is closed wishes to be considered further for licensure, the person shall submit another application and fee.

E. Within the overall time-frame specified in Table 1, the Board shall:
   1. Grant a license to a person that meets all requirements in A.R.S. Title 32, Chapter 3 and this Chapter; or
   2. Deny a license to a person that fails to meet all requirements in A.R.S. Title 32, Chapter 3 and this Chapter. The Board shall include in the notice of denial the reason for the denial and information regarding the right to appeal the denial under A.R.S. Title 41, Chapter 6, Article 10.

Historical Note
New Section made by final rulemaking at 11 A.A.R. 1422, effective April 5, 2005 (Supp. 05-2). Section amended by final rulemaking at 21 A.A.R. 2528, effective December 8, 2015 (Supp. 15-4).

Table 1. Time-frames (in days)

<table>
<thead>
<tr>
<th>License</th>
<th>Authority</th>
<th>Overall Time-frame</th>
<th>Administrative Time-frame</th>
<th>Time to Respond</th>
<th>Substantive Time-frame</th>
<th>Time to Respond</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barber</td>
<td>A.R.S. §§ 32-322; 32-327</td>
<td>28</td>
<td>21</td>
<td>90</td>
<td>7</td>
<td>30</td>
</tr>
<tr>
<td>Instructor</td>
<td>A.R.S. §§ 32-323; 32-327</td>
<td>28</td>
<td>21</td>
<td>90</td>
<td>7</td>
<td>30</td>
</tr>
<tr>
<td>School</td>
<td>A.R.S. §§ 32-325; 32-327</td>
<td>90</td>
<td>30</td>
<td>30</td>
<td>60</td>
<td>60</td>
</tr>
<tr>
<td>Shop</td>
<td>A.R.S. §§ 32-326; 32-327</td>
<td>90</td>
<td>30</td>
<td>30</td>
<td>60</td>
<td>60</td>
</tr>
</tbody>
</table>

Historical Note
Table 1 made by final rulemaking at 21 A.A.R. 2528, effective December 8, 2015 (Supp. 15-4).

R4-5-109. License Renewal
A. To renew any license issued under this Chapter, a licensee shall submit to the Board:
   1. The application for renewal form attached to the license issued by the Board;
   2. The renewal fee for the applicable license as prescribed under R4-4-102(A)(1)(d), (A)(2)(c), (A)(3)(d), or (A)(5)(d):
      a. No earlier than 30 days before the expiration date, and
      b. No later than midnight on the expiration date; and
   3. If the documentation submitted under R4-5-202(D)(3), R4-5-203(C)(4), R4-5-301(B)(2)(a)(v), or R4-5-401(C)(4)(a)(iii) was a limited form of work authorization issued by the federal government, evidence that the work authorization has not expired.
B. As provided under A.R.S. § 32-355, a licensee that fails to renew a license timely shall immediately cease providing the services authorized by the license.
C. An expired license issued under this Chapter may be renewed within five years after the date of expiration by complying with subsection (A) and paying the late-renewal fee prescribed under R4-5-102.
A. An applicant for licensure as a barber shall attach the following to the application attachments required under subsections (B) or (C):

1. Proof that the applicant is at least 16 years old;
2. Proof that the applicant has at least two years of high school education or its equivalent. Acceptable proof includes an official transcript from the high school attended or a copy of a high school diploma or GED;
3. Documentation specified under A.R.S. § 41-1080(A) that the applicant’s presence in the U.S. is authorized under federal law;
4. A photograph, as prescribed under A.R.S. § 32-322(A)(3), that is suitable for use on an identification card and:
   a. Of the applicant only;
   b. U.S. passport sized; and
   c. Signed by the applicant across the front without blocking the face;
5. If currently licensed as a barber in another state with which Arizona does not have a reciprocity agreement, a copy of the license; and
6. The applicable fee specified in R4-5-102(A)(1).

B. License by examination. In addition to the requirements under subsection (A), an applicant for licensure by examination shall submit an application form, which is available from the Board, and provide the following information:
1. Full name;
2. Other names, if any, by which the applicant has been known;
3. Full address;
4. Telephone number;
5. Social Security number;
6. Date and place of birth;
7. Unless currently licensed in another state with which Arizona does not have a reciprocity agreement, name and location of barber school attended;
8. Unless currently licensed in another state with which Arizona does not have a reciprocity agreement, the number of certified hours obtained from a barber school;
9. A statement whether the applicant has ever been licensed as a barber in Arizona and if so, when;
10. A statement whether the applicant has ever been licensed in another state or county as a barber or apprentice barber and if so, when and where;
11. A statement whether the applicant has had a barber license suspended or revoked in the five years before the date of application and if so, a complete explanation of the circumstances;
12. Any other information required by the Board; and
13. The applicant’s notarized signature and verification that the information provided is correct and complete.

C. License by reciprocity. In addition to the requirements under subsections (A) and (B)(1) through (6) and (9) through (13), an applicant for licensure by reciprocity shall submit the following:
1. A copy of a current barber license issued by a state with which Arizona has a reciprocity agreement;
2. Documentation of at least one year of barbering work experience. The documentation shall contain the notarized signature of the barber where the work was performed.

Historical Note
New Section made by final rulemaking at 11 A.A.R. 1422, effective April 5, 2005 (Supp. 05-2). Section amended by final rulemaking at 21 A.A.R. 2528, effective December 8, 2015 (Supp. 15-4).

R4-5-202. Barber License Application
A. An applicant for licensure as a barber shall attach the following to the application attachments required under subsections (B) or (C):
1. Proof that the applicant is at least 16 years old;
2. Proof that the applicant has at least two years of high school education or its equivalent. Acceptable proof includes an official transcript from the high school attended or a copy of a high school diploma or GED;
3. Documentation specified under A.R.S. § 41-1080(A) that the applicant’s presence in the U.S. is authorized under federal law;
4. A photograph, as prescribed under A.R.S. § 32-322(A)(3), that is suitable for use on an identification card and:
   a. Of the applicant only;
   b. U.S. passport sized; and
   c. Signed by the applicant across the front without blocking the face;
5. If currently licensed as a barber in another state with which Arizona does not have a reciprocity agreement, a copy of the license; and
6. The applicable fee specified in R4-5-102(A)(1).

B. License by examination. In addition to the requirements under subsection (A), an applicant for licensure by examination shall submit an application form, which is available from the Board, and provide the following information:
1. Full name;
2. Other names, if any, by which the applicant has been known;
3. Full address;
4. Telephone number;
5. Social Security number;
6. Date and place of birth;
7. Unless currently licensed in another state with which Arizona does not have a reciprocity agreement, name and location of barber school attended;
8. Unless currently licensed in another state with which Arizona does not have a reciprocity agreement, the number of certified hours obtained from a barber school;
9. A statement whether the applicant has ever been licensed as a barber in Arizona and if so, when;
10. A statement whether the applicant has ever been licensed in another state or county as a barber or apprentice barber and if so, when and where;
11. A statement whether the applicant has had a barber license suspended or revoked in the five years before the date of application and if so, a complete explanation of the circumstances;
12. Any other information required by the Board; and
13. The applicant’s notarized signature and verification that the information provided is correct and complete.

C. License by reciprocity. In addition to the requirements under subsections (A) and (B)(1) through (6) and (9) through (13), an applicant for licensure by reciprocity shall submit the following:
1. A copy of a current barber license issued by a state with which Arizona has a reciprocity agreement;
2. Documentation of at least one year of barbering work experience. The documentation shall contain the notarized signature of the barber where the work was performed.

Historical Note
New Section made by final rulemaking at 11 A.A.R. 1422, effective April 5, 2005 (Supp. 05-2). Section amended by final rulemaking at 21 A.A.R. 2528, effective December 8, 2015 (Supp. 15-4).

R4-5-203. Instructor License Application
A. An applicant for licensure as an instructor shall attach the following to the application required under subsections (B) and (C):
1. Proof that the applicant is at least 19 years old;
2. Proof that the applicant has a high school diploma or its equivalent;
3. Proof that the applicant has practiced barbering for at least two years. The proof shall contain the notarized sig-
nature of the barber or barbers where the work was performed;

4. Documentation specified under A.R.S. § 41-1080(A) that the applicant’s presence in the U.S. is authorized under federal law;

5. A photograph that is suitable for use on an identification card and:
   a. Of the applicant only;
   b. U.S. passport sized; and
   c. Signed by the applicant across the front without blocking the face;

6. If currently licensed as a barber instructor in another state with which Arizona does not have a reciprocity agreement, a copy of the license; and

7. The applicable fee specified in R4-5-102(A)(2).

B. License by examination. In addition to the requirements under subsection (A), an applicant for licensure by examination shall submit an application form, which is available from the Board, and provide the following information:

1. Full name;
2. Other names, if any, by which the applicant has been known;
3. Full address;
4. Telephone number;
5. Social Security number;
6. Birth date;
7. Current Arizona barber license number;
8. If the applicant attended school for training as a barber instructor:
   a. Name and address of barbering school attended for instructor training;
   b. Total hours of instructor training; and
   c. Dates during which instructor training was obtained;
9. A statement regarding whether the applicant:
   a. Has ever been licensed as a barber instructor in Arizona and if so, when;
   b. Has ever been a licensed barber instructor in any other country or state and if so, the country or state and dates of licensure as a barber instructor; and
   c. Has had a former instructor license suspended or revoked in the five years before the date of application and if so, a complete explanation of the circumstances;
10. Any other information required by the Board; and
11. The applicant’s notarized signature verifying that the information provided is correct and complete.

C. License by reciprocity. In addition to the requirements under subsections (A) and (B)(1) through (6) and (9) through (11), an applicant for an instructor license by reciprocity shall submit the following:

1. A copy of the current license to instruct barber students issued by a state that has a reciprocity agreement with Arizona; and
2. Documentation of at least one year’s experience as a licensed instructor of barber students. The documentation shall contain the notarized signature of the owner of the barber school at which instruction was provided.

Historical Note
New Section made by final rulemaking at 11 A.A.R. 1422, effective April 5, 2005 (Supp. 05-2). Section R4-5-204 renumbered to R4-5-109 by final rulemaking at 21 A.A.R. 2528, effective December 8, 2015 (Supp. 15-4).

ARTICLE 3. SHOPS

R4-5-301. Application for a License to Operate a Shop

A. To apply for a license to operate a shop, a person shall submit to the Board the items under subsections (B) and (C). A person that intends to operate more than one shop shall apply for and be issued a separate license to operate each shop. A person shall not operate a shop before a license is issued.

B. On a form available from the Board, an applicant for a license to operate a shop shall provide the following information:

1. Indicate the applicant’s requested licensing action:
   a. A license to operate a new shop;
   b. A change of location of an operating shop including the following information:
      i. The Board file number, and
      ii. Both the old and new addresses of the shop; or
   c. A change of ownership of an operating shop including the following information:
      i. Former owner’s name;
      ii. Former shop name, if the shop name is changed;
      iii. Board file number; and
      iv. A copy of the shop’s bill of sale or the signature of the former owner on the application;

2. Ownership information:
   a. If the owner is an individual or partnership:
      i. Name,
      ii. Address,
      iii. Telephone number,
      iv. Social Security number of the individual or each partner owning at least 10 percent of the partnership, and
      v. Documentation specified under A.R.S. § 41-1080(A) that the presence in the U.S. of the individual or each partner owning at least 10 percent of the partnership is authorized under federal law; or
   b. If the owner is a corporation:
      i. Corporate name;
      ii. Names of all individuals owning at least 10 percent of the corporation;
      iii. Tax identification number of the corporation;
      iv. Name and telephone number of a contact person;
      v. Name and address of the statutory agent, if required by law;
      vi. Address of the corporation; and
      vii. Telephone number of the corporation;

3. Shop information:
   a. Shop name,
   b. Full physical address of the shop,
   c. Telephone number, and
   d. A map of approximate shop location indicating the names of major cross streets;

4. If known at the time of application, the name and Arizona license number of the barber who will directly supervise the shop on behalf of the license holder;

5. A projected date for the shop to open;

6. A list of equipment in the shop including the total number of the following:
   a. Barber or styling chairs,
   b. Sinks with hot and cold running water,
   c. Tool drawers,
The holder of a license to operate a shop who is an Arizona-

B.

c. Workstations,
d. Liquid sanitizers,
e. Soiled-towel receptacles, and
f. Garbage and hair receptacles;
7. A description of the shop’s floor covering;
8. An indication of whether a license to operate the shop has
been or will be obtained from the Board of Cosmetology;
9. Any other information required by the Board; and
10. The applicant’s verification that the information con-
tained on the application is correct and complete, and the
applicant’s notarized signature.
C. Fee. In addition to the completed application form required
under subsection (B), an applicant shall submit to the Board
the fee specified in R4-5-102(A)(3) for the licensing action
requested under subsection (B)(1).

Historical Note
New Section made by final rulemaking at 11 A.A.R.
1422, effective April 5, 2005 (Supp. 05-2). Section
amended by final rulemaking at 21 A.A.R. 2528, effec-
tive December 8, 2015 (Supp. 15-4).

R4-5-302. Basic Equipment Required in a Shop
A. The holder of a license to operate a shop shall ensure that
the shop has at least the following equipment:
1. A barber or styling chair;
2. One sink, which has hot and cold running water, for every
two barber or styling chairs and located no more than six
feet from the barber or styling chairs;
3. Liquid or powder soap and paper towels for use at each
sink;
4. A separate, covered, receptacle for each of the following:
   a. Garbage and hair, and
   b. Reusable towels or cloths that are soiled;
5. One tool drawer and one liquid sanitazer for each barber
or styling chair and the necessary EPA-registered disin-
fectants for each;
6. One wall mirror located near each barber or styling chair;
7. One workstation for each barber or styling chair; and
8. Cabinet in which to store additional supplies.
B. Subsection (A)(2) applies only to shops licensed under R4-5-
301 after the effective date of this Section.

Historical Note
New Section made by final rulemaking at 11 A.A.R.
1422, effective April 5, 2005 (Supp. 05-2). Section
amended by final rulemaking at 21 A.A.R. 2528, effec-
tive December 8, 2015 (Supp. 15-4).

R4-5-303. Shop Supervision
A. The holder of a license to operate a shop shall designate a bar-
ber licensed under this Chapter to directly supervise the shop
during all hours of operation.
B. A license holder or supervising barber shall ensure that:
1. Every individual, whether an employee or independent
contractor, who practices barbering in the shop has a cur-
rent license issued under A.R.S. § 32-322 and R4-5-202;
2. Each required license and the most recent Board inspec-
tor’s record are displayed according to A.R.S. § 32-351(A); and
3. Each licensee complies with all applicable provisions of
A.R.S. Title 32, Chapter 3, and this Chapter.
C. The Board shall hold a license holder and any supervising bar-
er responsible for any violation of an applicable provision of
A.R.S. Title 32, Chapter 3, or this Chapter.
D. The holder of a license to operate a shop who is an Arizona-
licensed barber may directly supervise the shop.

Historical Note
New Section made by final rulemaking at 11 A.A.R.
1422, effective April 5, 2005 (Supp. 05-2). Section
amended by final rulemaking at 21 A.A.R. 2528, effec-
tive December 8, 2015 (Supp. 15-4).

R4-5-304. Shop Mobile Units
A. To operate a mobile unit as a shop, the owner of the mobile
unit shall make application for a license under R4-5-301.
B. The Board shall issue a license to operate a mobile unit as a shop only if:
   1. The mobile unit is self-contained;
   2. The mobile unit meets all requirements for a shop speci-
ified under A.R.S. Title 32, Chapter 3, and this Chapter;
   3. The owner of the mobile unit agrees to provide the Board
with written or oral notice at least 15 days before the
mobile unit is placed in a location or moved to a new
location.

Historical Note
New Section made by final rulemaking at 11 A.A.R.
1422, effective April 5, 2005 (Supp. 05-2). Section
amended by final rulemaking at 21 A.A.R. 2528, effec-
tive December 8, 2015 (Supp. 15-4).

R4-5-305. Display of Barber Pole
A. Under A.R.S. § 32-355(A)(4), it is unlawful to display a sign or advertise as being engaged in the practice or business of barbering without being licensed under A.R.S. Title 32, Chap-
ter 3, and this Chapter.
B. The Board has trademarked through the Office of the Secre-
ty of State the barber pole as a sign of the barbering busi-
ness.
C. A business shall not display a barber pole unless a barber
licensed under A.R.S. Title 32, Chapter 3, and this Chapter is
available to provide barbering services during the business
hours that the barber pole is displayed.

Historical Note
New Section made by final rulemaking at 21 A.A.R.
2528, effective December 8, 2015 (Supp. 15-4).

ARTICLE 4. SCHOOLS

R4-5-401. Application for a License to Operate a School
A. Before submitting an application under this Section, an appli-
cant for a license to operate a school may request that Board
staff review the proposed application and perform a courtesy
inspection of the proposed school location.
B. The owner of a barber school that operates in more than one
location, except at an offsite training facility, shall apply for
and obtain a separate license to operate the barber school at
each location.
C. On a form available from the Board an applicant for a license
to operate a barber school may request that Board
staff review the proposed application and perform a courtesy
inspection of the proposed school location.
An applicant for a license to operate a school shall attach the

D. Fee. In addition to the completed application required under subsections (C) and (D), an applicant shall submit to the Board the fee specified under R4-5-102(A)(5) for the licensing action requested under subsection (C)(1).

Historical Note
New Section made by final rulemaking at 11 A.A.R. 1422, effective April 5, 2005 (Supp. 05-2). Section amended by final rulemaking at 21 A.A.R. 2528, effective December 8, 2015 (Supp. 15-4).

R4-5-402. Notification of Changes
The holder of a license to operate a school shall send written notice and updated information to the Board within 15 days if the license holder:

1. Amends the school catalog,
2. Stops offering a course,
3. Offers a new course,
4. Changes the number of instructional hours devoted to a course listed under R4-5-401(D),
5. Changes the school name,
6. Changes the school supervisor, or
7. Establishes an offsite training facility in a shop under the provisions of R4-5-411.

Historical Note
New Section made by final rulemaking at 11 A.A.R. 1422, effective April 5, 2005 (Supp. 05-2). Section amended by final rulemaking at 21 A.A.R. 2528, effective December 8, 2015 (Supp. 15-4).

R4-5-403. Use of “Accredited,” “Approved,” or Similar Terms
If “accredited,” “approved,” or a similar term appears in a school catalog or advertisement, the holder of the license to operate the school shall ensure that the catalog or advertisement includes the name of the accrediting or approving organization.

Historical Note
New Section made by final rulemaking at 11 A.A.R. 1422, effective April 5, 2005 (Supp. 05-2). Section amended by final rulemaking at 21 A.A.R. 2528, effective December 8, 2015 (Supp. 15-4).

R4-5-404. School Premises and Basic Equipment

A. In addition to the requirements of A.R.S. § 32-325(C)(2) and (C)(3), the holder of a license to operate a school shall ensure that the school has at least the following:

1. An instructor, licensed in Arizona, to teach each required course;
2. Instructional furnishings and fixtures for instructor and student use;
3. A workstation for each student scheduled for practical instruction;
4. Filing cabinets for school and student records;
5. Chalkboards or other writing boards;
6. A dispensary to prepare, mix, store, and dispose of supplies and chemicals used to disinfect barbering implements;
7. A description of the floor covering in the area in which students practice barbering skills;
8. Number and square footage of classrooms;
9. Number of students to be admitted;
10. Number of licensed instructors;
11. Hours during which instruction will be provided;
12. A projected date for the Board’s initial inspection;
13. Any other information required by the Board; and
14. The applicant’s verification, under oath, that the information contained on the application is correct and complete, and the applicant’s notarized signature.

D. An applicant for a license to operate a school shall attach the following to the application required under subsection (C):

1. A current school catalog,
2. A list of all courses offered at the school and the number of instructional hours devoted to each course, and
3. A copy of the bond in the amount required under A.R.S. § 32-325(C)(6).
B. The holder of a license to operate a school shall ensure that each student workstation has at least the following:
1. A barber chair;
2. A wall mirror located behind the barber chair;
3. A tool drawer that meets the standard in R4-5-101; and
4. One liquid sanitizer and one spray disinfectant.

C. The holder of a license to operate a school shall ensure that each student at a workstation has access to the following:
1. A covered receptacle for soiled towels and clothes;
2. A covered receptacle for garbage and hair; and
3. A sufficient supply of barbering products listed under R4-5-104(A)(3).

Historical Note
New Section made by final rulemaking at 11 A.A.R. 1422, effective April 5, 2005 (Supp. 05-2), Section amended by final rulemaking at 21 A.A.R. 2528, effective December 8, 2015 (Supp. 15-4).

R4-5-405. School Operations
A. The holder of a license to operate a school shall file the school’s operating schedule with the Board before the first scheduled class begins.

B. The holder of a license to operate a school shall ensure that all equipment provided under this Chapter is of sufficient quality to meet the educational needs of students and maintained in good repair.

C. Unless a student who is studying barbering possesses the equipment listed under this subsection at the time of enrollment, the holder of a license to operate a school shall provide the student with a non-returnable training kit that includes the following equipment, all of which are new:
1. Course textbooks,
2. One mannequin for barbering practice,
3. Twelve combs and four brushes,
4. One hair dryer,
5. One straight razor with interchangeable blades,
6. One pair of haircutting shears with at least six-inch blades,
7. One pair of thinning shears,
8. One clipper with interchangeable blades sizes 1 and .000 or an adjustable clipper,
9. One neck duster, and
10. One copy of the current statutes and rules governing the Board.

D. Trainee notices. At the time the holder of a license to operate a school enrolls a student, the license holder shall give Exhibit I or 2 to the student, as appropriate, and maintain the completed document for the time specified in R4-5-408(H).

E. An instructor trainee shall not teach students until the instructor trainee has received 40 instructional hours of training in methods of teaching. An instructor trainee shall complete all training in no more than six months.

F. An individual who is not an Arizona-licensed instructor shall not teach in a school but may demonstrate any process, product, or appliance to students when the individual is under the supervision of an Arizona-licensed instructor.

G. Within five days after enrolling a student, the holder of a license to operate a school shall send the following to the Board:
1. A copy of the student’s written application to attend the school containing the following:
   a. The student’s name and address,
   b. The student’s enrollment date,
   c. An indication regarding whether the student is enrolled in a barber or instructor course, and
   d. The student’s signature, and
2. Two photographs of the student that meet the standards specified in R4-5-202(A)(4).

H. Within 90 days after enrolling a student, the holder of a license to operate a school shall send the following to the Board:
1. Proof that the student is at least 16 years old if enrolled in a barber course or at least 19 years old if enrolled in an instructor course;
2. Proof that the student has at least a tenth-grade education if enrolled in a barber course or graduated from high school or its equivalent if enrolled in an instructor course; and
3. Documentation specified under A.R.S. § 41-1080(A) that the student’s presence in the U.S. is authorized under federal law.

I. The Board shall use the information provided under subsection (G) to prepare and issue an educational card to a student. The holder of a license to operate a school shall ensure that a student:
1. Displays the card at the student workstation, and
2. Returns the card to the Board upon completion of, or withdrawal from, the course.

Historical Note
New Section made by final rulemaking at 11 A.A.R. 1422, effective April 5, 2005 (Supp. 05-2), Section amended by final rulemaking at 21 A.A.R. 2528, effective December 8, 2015 (Supp. 15-4).

Exhibit I. Required Notice to a Barber Trainee

NOTICE

This Notice is required by the Arizona State Board of Barbers.

You have applied to this school for training that will qualify you to apply for a license to be a barber in Arizona. The Arizona State Board of Barbers will not issue you a license unless:
1. You are at least 16 years of age when you apply for the license,
2. You demonstrate to the Board that you have completed and received appropriate credits for at least two years of high school education or its equivalent, and
3. You document that your presence in the U.S. is authorized under federal law.

It is your responsibility to make sure you meet the requirements of the Board of Barbers. If you are unsure about whether you meet the requirements, you should contact the Board of Barbers for further information.

ACKNOWLEDGEMENT OF RECEIPT OF NOTICE

I acknowledge that I received and understand the foregoing Notice.

(student signature and date)
It is your responsibility to make sure you meet the requirements of the Board of Barbers. If you are unsure about whether you meet the requirements, you should contact the Board of Barbers for further information.

Exhibit 2. Required Notice to an Instructor Trainee

NOTICE

This Notice is required by the Arizona State Board of Barbers.

You have applied to this school for training that will qualify you to apply for a license to be a barber instructor in Arizona. The Arizona State Board of Barbers will not issue you a license unless:

1. You are at least 19 years of age when you apply for the license;
2. You demonstrate to the Board that you hold a high school diploma or its equivalent; and
3. You document that your presence in the U.S. is authorized under federal law.

It is your responsibility to make sure you meet the requirements of the Board of Barbers. If you are unsure about whether you meet the requirements, you should contact the Board of Barbers for further information.

ACKNOWLEDGEMENT OF RECEIPT OF NOTICE

I acknowledge that I received and understand the foregoing Notice.

(student signature and date)

Historical Note

New Exhibit 2 made by final rulemaking at 11 A.A.R. 1422, effective April 5, 2005 (Supp. 05-2). Exhibit 2 amended by final rulemaking at 21 A.A.R. 2528, effective December 8, 2015 (Supp. 15-4).

R4-5-406. Student Training and Supervision

A. The holder of a license to operate a school shall ensure that students are graded at least monthly and informed of their grades and instructional hours completed.
B. A licensed instructor may assist students in the performance of barbering.
C. A student shall not dismiss a patron until a licensed instructor inspects and approves the student’s work.
D. A student shall not attend a school for more than eight hours per day.
E. A student may receive a maximum of 20 instructional hours for field trips pertaining to barbering.
F. A student may receive up to 50 percent of the student’s training at an offsite training facility operated under the provisions of R4-5-411.
G. A licensed instructor shall not ask a student to perform barbering on a patron while the student is engaged in classroom instruction or taking a written examination.
H. A student shall wear a name tag during school attendance that clearly identifies the student by name and student status.

Historical Note

New Section made by final rulemaking at 11 A.A.R. 1422, effective April 5, 2005 (Supp. 05-2). Section amended by final rulemaking at 21 A.A.R. 2528, effective December 8, 2015 (Supp. 15-4).

R4-5-408. School Records

A. The holder of one license to operate a school shall keep a student’s records at the student’s enrollment location.
B. The holder of multiple licenses to operate multiple schools may keep a student’s records at the student’s enrollment location or a location that serves all the schools operated by the same license holder.
C. The holder of a license to operate a school shall at least weekly enter into each student’s record the following:
   1. The date of the recorded entry,
   2. Each subject studied and the number of instructional hours for each subject,
   3. An indication whether instruction in a subject listed under subsection (C)(2) was classroom or practical, and
   4. The student’s signature on a paper copy of the record to acknowledge accuracy of information in the record within three days after each record update.
D. The holder of a license to operate a school shall maintain a complete and accurate record file for each student that includes:
   1. The signed contract made between the student and the school,
   2. The student’s current transcript,
   3. The applicable original notice required under R4-5-405(D), and
   4. Both the record created under subsection (C) and the student-signed paper copy of the record.
E. Within 15 days after the end of each month, the holder of a license to operate a school shall submit a report to the Board that includes:
   1. A list of each student who graduated during the month;
   2. The name and license number of:
      a. The supervising instructor, and
      b. Each instructor providing classroom or practical instruction during the month;
   3. A list of all students currently enrolled and:
      a. A list of total instructional hours earned by each student during the month;
      b. A list of each student’s cumulative instructional hours; and

Historical Note

New Section made by final rulemaking at 11 A.A.R. 1422, effective April 5, 2005 (Supp. 05-2). Section amended by final rulemaking at 21 A.A.R. 2528, effective December 8, 2015 (Supp. 15-4).
A. The Board shall provide for a rehearing and review of a decision under A.R.S. Title 41, Chapter 6, Article 10.

B. Except as provided in subsection (I), a party is required to file a motion for rehearing or review of a Board decision to exhaust the party’s administrative remedies.
C. A party may amend a motion for rehearing or review at any time before the Board rules on the motion.

D. The Board may grant a rehearing or review for any of the following reasons materially affecting a party’s rights:
   1. Irregularity in the proceedings of the Board, or any order or abuse of discretion, that deprived the moving party of a fair hearing;
   2. Misconduct of the Board, its staff, an administrative law judge, or the prevailing party;
   3. Accident or surprise that could not have been prevented by ordinary prudence;
   4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the hearing;
   5. Excessive penalty;
   6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceedings;
   7. The Board’s decision is a result of passion or prejudice; or
   8. The findings of fact or decision is not justified by the evidence or is contrary to law.

E. The Board may affirm or modify a decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons in subsection (D). An order modifying a decision or granting a rehearing shall specify with particularity the grounds for the order.

F. If a motion for rehearing or review is based upon an affidavit, the affidavit shall be served with the motion. An opposing party may, within 15 days after service, serve opposing affidavits. The Board may extend this period for a maximum of 20 days if the parties agree.

G. Not later than 30 days after the date of a decision, after giving parties notice and an opportunity to be heard, the Board may grant a rehearing or review on its own initiative for any reason for which it might have granted relief on motion of a party. The Board may grant a motion for rehearing or review, timely served, for a reason not stated in the motion.

H. If a rehearing is granted, the Board shall hold the rehearing within 60 days after the issue date on the order granting the rehearing.

I. If the Board makes a specific finding that a particular administrative decision needs to be effective immediately to preserve the public peace, health, or safety and that a review or rehearing of the decision is impracticable, unnecessary, or contrary to the public interest, the Board shall issue the decision as a final administrative decision without an opportunity for rehearing or review.

Historical Note
New Section made by final rulemaking at 11 A.A.R. 1422, effective April 5, 2005 (Supp. 05-2). Section amended by final rulemaking at 21 A.A.R. 2528, effective December 8, 2015 (Supp. 15-4).