

## Chapter SPS 65

### PERSONS PROVIDING PRACTICAL INSTRUCTION IN SCHOOLS

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**Note:** Chapter RL 65 was created as an emergency rule effective 5–26–89. Chapter RL 65 was renumbered chapter SPS 65 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671

**SPS 65.01 Application requirements for an initial certificate.** The department shall issue an instructor's certificate in the fields of barbering, cosmetology, aesthetics, manicuring, or electrology to any person who meets the requirements of s. 440.63 (3), Stats. Application shall be made on a form supplied by the department, and shall be submitted with the fee required by s. 440.05 (1), Stats.

**History:** Cr. Register, December, 1989, No. 408, eff. 1–1–90; EmR1302; emerg. am., eff. 2–14–13; CR 13–026; am. Register October 2013 No. 694, eff. 11–1–13.

**SPS 65.02 Renewal of instructor certificate. (1)** The department shall renew an instructor's certificate in the fields of barbering, cosmetology, aesthetics, manicuring or electrology to any person who applies for renewal of an instructor's certificate not more than 2 years after the expiration of the latest period for which the certificate was valid.

**Note:** Certificates expire on April 1 of odd-numbered years.

**(2)** Applications for renewal of an instructor's certificate shall be made on a form supplied by the department. Applications for renewal received by the department before the expiration of the certificate shall be accompanied by the fee specified in s. 440.05 (3) (c) 4., Stats. Applications for renewal received by the department less than 30 days after the expiration of the certificate shall be filed together with the fee specified in s. 440.05 (3) (c) 4., Stats., and the penalty specified by s. 440.05 (4), Stats. Applications for renewal received by the department more than 29 days but less than 2 years after the expiration of the certificate shall be filed together with the fee specified in s. 440.05 (3) (c) 4., Stats., and the penalty specified in s. 440.05 (5), Stats.

**Note:** 1991 Wis. Act 39 repealed s. 440.05 (3) to (5), Stats. Renewal fees established by the department pursuant to s. 440.03 (9), Stats., are posted on the department's website, at [www.dps.wisconsin.gov](http://www.dps.wisconsin.gov). The renewal fees for all other credentials are noted in their related statutes or rules.

**History:** Cr. Register, December, 1989, No. 408, eff. 1–1–90; EmR1302; emerg. am. (1), eff. 2–14–13; CR 13–026; am. (1) Register October 2013 No. 694, eff. 11–1–13.

**SPS 65.03 Instructor theory training syllabus. (1)** The instructor training required by ss. 440.63 (3) (a) 3., 440.63 (3) (b) 2., 440.63 (3) (c) 2., and 440.63 (3) (d) 2., Stats., is satisfied by successful completion of a course approved by the department in accordance with the syllabus set forth in Table 65.03. A person shall complete the 150 hours of training within 2 years of commencing the training.

**(2)** A school offering training for an instructor's certificate may grant credit counting towards the 96 hours required for successful completion of college level courses in teaching skills and facilitating/managing skills.

**(3)** A school offering training for an instructor's certificate may allow another institution to teach the 96 hours on teaching skills and facilitating/managing skills in the established curriculum and certify an instructor student's eligibility for the examination for an instructor's certificate.

TABLE 65.03  
INSTRUCTOR TRAINING COURSE SYLLABUS

<b>1. Orientation</b>	<b>14 hours</b>
Goals, rules and review of curriculum	
<b>2. Teaching Skills</b>	<b>64 hours</b>
Objectives, competencies, methods, lesson planning, teaching techniques of the practical laboratory, interpersonal relations, evaluation and grading principles	
<b>3. Facilitating/Managing Skills</b>	<b>32 hours</b>
Classroom Management, communications, counseling, record keeping and safety/firstaid	
<b>4. Supervised Teaching (prerequisite: 1, 2 &amp; 3)</b>	<b>40 hours</b>
Practical applications on the clinic floor and basic skills of practical teaching techniques	
<b>TOTAL TRAINING PROGRAM</b>	<b>150 hours</b>

**History:** Cr. Register, December, 1989, No. 408, eff. 1–1–90; CR 15–028; am. (1), (3) Figure (title) Register September 2015 No. 717, eff. 10–1–15.

**SPS 65.04 Application requirements for reinstatement of an expired certificate.** Applications for reinstatement of an instructor's certificate which are received by the department more than 2 years after the expiration date of the certificate for which reinstatement is requested shall be considered as applications for an initial instructor's certificate and shall be made on the form for and in the manner of an application for an initial instructor's certificate.

**History:** Cr. Register, December, 1989, No. 408, eff. 1–1–90.

**SPS 65.05 Administration of examination for instructor's certification. (1)** The department attempts to schedule applicants for examination at or near a requested examination site or date but may schedule at any site and date where space is available. Admission cards are mailed to applicants at the address provided by the applicant.

**(2)** The applicant shall present an admission card at the door of the examination room with the identification specified on the admission card.

**(3)** Applicants shall follow the rules of conduct for the examination provided at the beginning of the examination. Definite time limits may be placed on each portion of the examination.

**(4)** Issuance of a license may be denied if the department determines that the applicant violated the rules of conduct for the examination.

**Note:** The intent of the department is to use the word "certificate" rather than "license."

(5) During practical examinations, applicants shall wear a numeric identification tag. The number shall be used in lieu of the applicant's name on examination papers.

**History:** Cr. Register, December, 1989, No. 408, eff. 1-1-90.

**SPS 65.06 Instructor's competency tested.**

(1) Examinations shall test entry level competency to practice as an instructor.

(2) The department shall furnish to individuals upon request general information describing the competencies upon which the examination is based.

**History:** Cr. Register, December, 1989, No. 408, eff. 1-1-90.

**SPS 65.07 Form of examination.** An applicant for a certificate as an instructor shall pass a practical examination of the applicant's competency to instruct students in a school of barbering or cosmetology, or in a school or specialty school of aesthetics, manicuring, and electrology.

**History:** Cr. Register, December, 1989, No. 408, eff. 1-1-90; EmR1302: emerg. am., eff. 2-14-13; CR 13-026: am. Register October 2013 No. 694, eff. 11-1-13.

**SPS 65.08 Passing scores.** An applicant for a certificate as an instructor who achieves a score of no less than 75 on the practical examination shall receive a license.

**History:** Cr. Register, December, 1989, No. 408, eff. 1-1-90.

**SPS 65.09 Unauthorized assistance.** The department may withhold the score of an applicant who gives or receives unauthorized assistance during the examination and may schedule the applicant for reexamination at a future time.

**History:** Cr. Register, December, 1989, No. 408, eff. 1-1-90.

**SPS 65.10 Failure of practical examination.** (1) If it appears at the conclusion of a practical examination that an applicant will receive a failing score, 2 examiners shall confer on the applicant's performance. An applicant shall not receive a failing score on a practical examination unless 2 examiners award a failing score and each signs the score sheet.

(2) A written description of the reasons for failure shall be provided to applicants failing practical examinations.

**History:** Cr. Register, December, 1989, No. 408, eff. 1-1-90.

**SPS 65.11 Claim of examination error.** (1) To claim examination error, an applicant shall file a written request for department review with the bureau of business and design professions within 30 days of the date the examination was reviewed. The request shall include:

- (a) The applicant's name and address;
- (b) The type of certificate for which the applicant applied;
- (c) A description of the mistakes the applicant believes were made in the examination content, procedures, or scoring, including the specific questions or procedures claimed to be in error; and,
- (d) The facts which the applicant intends to prove, including reference text citations or other supporting evidence for the applicant's claim.

(2) The department shall review the claim, make a determination of the validity of the objections and notify the applicant in writing of the department's decision and any resulting score changes.

(3) The department shall take action on a claim of examination error within 90 days of receiving the written appeal.

(4) If the decision does not result in the applicant passing the examination, a notice of denial of license shall be issued. If the

department issues a notice of denial following its review, the applicant may request a hearing under s. SPS 1.05.

**History:** Cr. Register, December, 1989, No. 408, eff. 1-1-90; correction in (4) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

**SPS 65.12 Prohibited conduct and discipline.**

(1) The department may take disciplinary action against any person holding an instructor's certificate who has:

(a) Made any false statement or given any false information in connection with an application for a certificate, or for renewal or reinstatement of a certificate.

(b) Been issued a certificate through error.

(c) Been adjudicated mentally incompetent by a court.

(d) Been found guilty of an offense the circumstances of which substantially relate to the practice of an instructor in a school or specialty school.

(e) Violated ch. 440 or 454, Stats., ch. SPS 50, chs. SPS 60 to 62, this chapter, or chs. Cos 1 to 9.

(f) Practiced as an instructor in a school or specialty school while the person's ability to practice was impaired by alcohol or other drugs, or physical or mental disability or disease.

(g) Participated in false, misleading, or deceptive advertising on the part of any school or specialty school, or knowingly distributed or used school or specialty school student catalogs or contracts which do not comply with these rules.

(h) Engaged in conduct which evidenced a lack of knowledge or ability to apply principles or skills of barbering, cosmetology, aesthetics, manicuring, or electrology, in which the person holds an instructor's certificate.

(i) Engaged in unprofessional conduct. "Unprofessional conduct" includes, but is not limited to:

1. Engaging in any practice which constitutes a danger to the health, welfare, or safety of a student or the public.

2. Engaging in any promises or threats to any student to obtain sexual or social contact or anything of value.

3. Harassment of a student because of the student's age, race, color, creed, marital status, sex, sexual orientation, ancestry, national origin, or physical or mental disability.

4. Intentionally falsifying student records.

5. Practicing or attempting to practice beyond the scope of the instructor's certificate.

6. Having a license to practice as a barber, or cosmetologist, or aesthetician, or manicurist, or electrologist limited, suspended, or revoked, or being subject to any other disciplinary action by any licensing authority regulating the practice of barbering, cosmetology, aesthetics, manicuring, or electrology.

(2) The department may reprimand the holder of an instructor's certificate, or may limit, suspend, or revoke the instructor's certificate of any person who has engaged in any conduct prohibited by this chapter.

**History:** Cr. Register, December, 1989, No. 408, eff. 1-1-90; correction in (1) (e) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671; EmR1302: emerg. am. (1) (h) and (i) 6., eff. 2-14-13; CR 13-026: am. (1) (e), (h), and (i) 6. Register October 2013 No. 694, eff. 11-1-13.

**SPS 65.13 Forfeitures to the department.** In addition to or in lieu of discipline imposed against any person pursuant to s. SPS 65.05, and in addition to any costs assessed pursuant to s. 440.22, Stats., the department may assess a forfeiture of not less than \$100 nor more than \$5,000 for each violation of s. SPS 65.05. All forfeitures shall be paid to the department. In any case in which the department assesses both a forfeiture pursuant to this section and costs pursuant to s. 440.22, Stats., payments received by the department shall be applied first to the costs assessed.

**History:** Cr. Register, December, 1989, No. 408, eff. 1-1-90; correction made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.