

PUBLIC NOTICE

EDUCATION

STATE BOARD OF EDUCATION

Notice of Receipt and Action on Petition for Rulemaking

Board of Cosmetology and Hairstyling

**Practicing Licenses; Application and Education Requirements; Acceptable Documentation
of Credentials; License Renewals; Reinstatement; Inactive Status**

N.J.A.C. 13:28-1.1

Petitioner: Howard Liebman, Ph.D., Superintendent, Smart Horizons Career Online Education.

Take notice that on August 17, 2015, the New Jersey State Board of Education (State Board) received a petition for rulemaking from the above petitioner requesting the State Board to amend N.J.A.C. 13:28-1.1(d) to clarify qualifications for high school diplomas required for applicants to New Jersey licensing boards. The proposed amendments would alter the type of proof of satisfactory completion of high school that applicants could submit to the Board of Cosmetology and Hairstyling to include a high school diploma or transcript from an institution, regardless of instructional modality, that is regionally or nationally accredited through an agency recognized by the U.S. Secretary of Education. The proposed amendments also would allow for a transcript or diploma issued after successful passage of an alternative examination recognized by the U.S. Department of Education as equivalent to a high school diploma in 34 CFR 600.2. The petitioner's request indicates the amendments to N.J.A.C. 13:28-1.1(d) would ensure qualified students are not denied access to educational opportunities that will allow them to obtain State licenses in selected occupational fields (that is, cosmetology) and procure full-time employment.

After reviewing the petition and applicable State law, the State Department of Education (Department) has concluded neither the State Board nor the Commissioner of Education has the authority to amend Title 13 of the New Jersey Administrative Code. Pursuant to N.J.S.A. 45:5B-6.w, the authority to establish criteria and standards for education and experience required for licensure lies with the Board of Cosmetology and Hairstyling, which falls under the Division of Consumer Affairs in the Department of Law and Public Safety.

Therefore, the petitioner's request is denied and the petitioner is directed to file the request with the Board of Cosmetology and Hairstyling.