

BARBERS:
BARBER COLLEGES:
BARBER SCHOOLS:

Section 328.120, RSMo 1959, requires that there be one instructor directly supervising the practical training of not more than ten students in a barber school or college.

OPINION NO. 117

May 3, 1963

Mr. Leon F. Burton
Secretary-Treasurer
State Board of Barber Examiners
131 Capitol Building
Jefferson City, Missouri



Dear Mr. Burton:

This is in response to your recent request for an opinion of this office which request reads in part as follows:

"The State Board of Barber Examiners would like to have a written opinion from your office in regard to Section 328.120, RSMo 1959. This Section provides that:

'2. There shall be not less than one teacher or instructor for every ten students in any barber school or college holding a permit under this section.'

"Does this mean that the instructor must be on the floor with the ten students during all school hours? The barber college in Kansas City has sixty students, so they have the required six instructors on their payroll. However, one instructor is in the office, and another one teaches at the barber college part time and at the beauty school part time. We have been receiving complaints because these instructors are not on the floor with the students at all times. I have talked with the

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instructors, and they think that they are operating according to law by having the required number of instructors employed even though they are not all with the students."

In a subsequent letter, you advised that the phrase "on the floor" as used in your request means "the time which the student spends in the actual cutting of hair at the barber chair." By way of further explanation, you stated:

"All students receive one hour of lectures and demonstrations each day, excepting Saturday, and the remainder of their time is spent on the floor."

We note that both Sections 328.080(3) and 328.120(4), RSMo 1959, manifest the legislative intent that a barber college or school give a course of at least six months' duration consisting of one thousand hours of study under the "direct supervision of a licensed instructor . . ."

Inasmuch as a large part of the training involves practical experience during which students are actually applying instruments such as scissors and razors to human scalps, faces and necks, we do not believe that a literal interpretation of the law would produce an unreasonable result in this instance.

To hold otherwise would be to permit situations wholly inconsistent with the clear legislative intent. Under any other holding, the mere employment by the school of licensed instructors, only one of whom actually supervised the work of the students, would in itself satisfy the statutory requirements; and such persons could be carried on the books as faculty members without ever setting foot in the school.

Obviously, if the school mentioned in your request employs only six instructors for sixty students, the clear requirement of the law is not being fulfilled when, during the "on the floor" training, one of the instructors is working in the school office and another is teaching in an entirely different school.

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Conclusion

Therefore, it is the opinion of this office that while the students in a barber school or college are engaged in the practical portion of their training, Chapter 328, RSMo 1959, requires that there be one licensed instructor present and directly supervising the training of not more than ten students.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Albert J. Stephan, Jr.

Very truly yours

THOMAS F. EAGLETON
Attorney General

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