

NACCAS Rules of Practice & Procedure
June 2017

**Part 10 – Developing Standards, Rules, And Policies, Opportunity To Comment,
And Petitions For Waiver**

Section 10.0 Publication of Proposed Material Changes

- (a) The Commission shall publish in the NACCAS newsletter (or in any other mailing distributed to all accredited schools and the NACCAS mailing list) all proposed material changes in its Standards and Criteria, *Rules of Practice and Procedure*, policy statements, any other document which contains requirements or procedures with which a school must comply in order to secure and/or maintain accredited status. Interpretation of existing Standards and Criteria, *Rules of Practice and Procedure* and other documents need not comply with the requirements of Part 10. The Commission shall also publish, in advance of Commission action, the names of schools seeking initial accreditation, renewal of accreditation, or approval of Additional Locations.

- (b) The Commission shall submit to the Secretary of the United States Department of Education any proposed change in the policies, procedures, or accreditation standards of NACCAS that might alter its
 - (1) Scope of recognition; or
 - (2) Compliance with the criteria for recognition by the Secretary.

Section 10.1 Opportunity for Comment

The Commission encourages all interested parties to submit written comments concerning proposed changes in the Commission’s Standards, requirements, and procedures or comments pertaining to schools seeking accredited status, published pursuant to [Section 10.0](#) (above) of these *Rules*. Unless a longer comment period is specified by the Commission, interested parties shall have fifteen (15) calendar days to submit such comments with respect to schools seeking accredited status, and forty-five (45) calendar days to submit comments relating to all other matters. The Commission shall not be required to consider comments received after the published comment deadline.

Section 10.2 Publication of Final Changes

After evaluating and taking into account the comments submitted pursuant to [Section 10.1](#) (above) of these *Rules*, as well as all other information available to it, the Commission shall prepare and publish in final form the change in the NACCAS requirements or procedures. Such publication shall specify the effective date of the change.

Section 10.3 Compliance with Notice and Comment Procedures

- (a) Except as provided in [Section 10.3\(b\)](#) below, no material change in any Commission requirement or procedure shall become effective and binding unless the notice and comment procedures set out in [Sections 10.0-10.2](#) (see above) have been followed by the Commission.

- (b) Whenever the Commission determines that emergency circumstances exist that necessitate that a material change in the Commission’s requirements or procedures

NACCAS Rules of Practice & Procedure June 2017

become final and effective immediately, it shall publish the change in final form without regard to the notice and comment procedures set out in [Sections 10.0-10.2](#) (see page 138).

Section 10.4 Personal Appearances

Any interested party may ask the Commission in writing for an opportunity to appear before the Commission at a regularly scheduled meeting for the purpose of providing comment on NACCAS policies, procedures, Standards and Criteria and other matters of importance to accredited schools in general. The request must specifically state the purpose for which the party seeks an appearance. The Commission in its sole discretion may grant such requests and may impose such limitations on the presentation as it deems appropriate. The Commission shall not grant a request to appear where the purpose of presentation is to discuss specific accreditation decisions, individual cosmetology or massage schools, or to lodge or pursue complaints. A denial of a request to appear is not appealable. Guidelines for making personal appearances as provided for in this Section 10.4 may be obtained from the national office of the Commission. Appearance costs shall be borne by the interested party.

Section 10.5 Petitions for Variance

The Commission shall accept for consideration at its regular meetings where accreditation actions are taken, petitions for variance of these *Rules of Practice and Procedure*, the Appendices to these Rules or NACCAS' Policies filed by a school. If a school wishes to petition the Commission for a variance from these *Rules of Practice and Procedure*, the Appendices or NACCAS' Policies it shall do so by filing with the Executive Director, in writing, a Petition for Variance. Such petition shall cite the specific section of these *Rules of Practice and Procedure*, the Appendices or NACCAS' Policies from which a variance is sought. It shall include an explanation of all factors and considerations to support the variance sought. A petition needs to be submitted at least forty-five (45) days prior to the Commission meeting where it is to be considered.

Decisions by the Commission on a Petition for Variance shall be made in the same procedural manner as other accrediting actions of the Commission.

The denial of a Petition for Variance is not appealable.

Section 10.6 Variance on the Commission's Own Accord

The Commission may, on its own accord, without a Petition for Variance having been filed, approve a variance of these *Rules of Practice and Procedure* in exceptional circumstances when such is warranted in the interest of equity.

Section 10.7 Variance in Case of Disaster

The Commission may grant variances of compliance with some standards and procedures to schools affected by floods, tornadoes, hurricanes, fires, wild fires, earthquakes or other disasters. Variances shall be in areas set out in NACCAS [Policy on Disasters](#) (see page 49).

NACCAS Rules of Practice & Procedure
June 2017

Section 10.8 **Temporary Variance for Institutions Undergoing a Change of Location**

In the event that an institution is undergoing a change of location, the Executive Director may approve a temporary waiver of the requirement under Section 1.2(c)(3), see page 61, of these Rules that the institution be continuously open and operating, if such waiver is necessary to permit the institution to effect the relocation. Such waiver shall not exceed five (5) business days.

Related Documents

The following document may be helpful to you in understanding the requirements of this Part of the NACCAS *Rules*. They are available on the NACCAS website at www.naccas.org in the NACCAS *Handbook*.

[Appendix #12](#) (see page 216) Instructions for Submission of Petitions for a Variance of the NACCAS *Rules*