

FEBRUARY 17, 1953.

DANIEL BERGSMA, M.D., M.P.H.,
State Commissioner of Health,
State House,
Trenton, New Jersey.

FORMAL OPINION—1953. No. 1.

DEAR DR. BERGSMA:

Under date of December 10, 1952, you requested an opinion of our office determining the exact responsibilities of the Board of Beauty Culture Control under R. S. 45:4A-10 (P. L. 1943, Chapter 9, Section 10) in promulgating rules and regulations relating to courses in beauty culture to be administered in private schools as contrasted to public or vocational training schools which are under the jurisdiction of the State Board of Education.

The answer is that R. S. 45:4A-10 places the responsibility upon the State Board of Education for the promulgation of rules and regulations relating to courses of beauty culture as they are given in public, private and vocational training schools of this State.

R. S. 45:4A-10 states that,

"No school of beauty culture of this State shall be granted a certificate of registration or license, and no school of beauty culture of another State, territory, or the District of Columbia shall be approved by the department, unless it shall comply in all respects with the rules and regulations of the State board of beauty culture control and State Board of Education relating to courses in beauty culture as they are given in the public schools or vocational training schools of this State, * * *."

A reading of the aforementioned paragraph of Section 10 of the Act clearly provides that private schools of beauty culture shall be granted a certificate of registration or license or approval only when they meet two requirements. First, they must comply in all respects with the rules and regulations of the State Board of Beauty Culture Control and, second, they must comply in all respects with the rules and regulations of the State Board of Education relating to courses in beauty culture as they are given in the public schools or vocational training schools.

It is clear that the Act intends that the courses of study for beauty culture be the same in all schools, whether public, private or vocational.

Turning to R. S. 45:4A-35 (P. L. 1938, Chapter 120, Section 5), which states,

"Nothing in this chapter shall limit in anyway the right of the State Board of Education or any local board of education to establish and operate courses in beauty culture, to employ teachers, to determine the standards for teaching and the qualifications of teachers, to determine courses of study, to determine the standards for the admission, progress, certification and graduation of students, to determine any and all standards and rules as to quarters, supplies, equipment and anything whatsoever pertaining to the establishment, operation and maintenance of a course in beauty culture operated by a public school. *Nothing in this chapter shall be interpreted to give any person or agency other than the State Board of Education and the local boards of*

education the right to prescribe any requirement of any kind whatsoever for courses of beauty culture in public schools or for teachers or pupils in such courses." (underscoring supplied.)

Logically, it follows that since R. S. 45:4A-35 clearly forbids the State Board of Beauty Culture Control to prescribe any requirement whatsoever for courses of beauty culture in public schools and since R. S. 45:4A-10 clearly states that private schools must comply in all respects with the rules and regulations of the State Board of Beauty Culture Control and State Board of Education relating to courses in beauty culture as they are given in public or vocational training schools, the rules and regulations mentioned therein refer to the powers of the State Board of Beauty Culture Control under R. S. 45:4A-13 and 16 (P. L. 1935, Chapter 307, Sections 12 and 15) to make rules and regulations, and the courses in beauty culture as prescribed for public schools refer to the power of the State Board of Education under R. S. 45:4A-35.

Accordingly we advise you that the State Board of Beauty Culture Control has no responsibility and no authority to promulgate rules and regulations pertaining to courses of study of beauty culture in private beauty schools.

Very truly yours,

THEODORE D. PARSONS,
Attorney General,

By: HERMAN M. BELL, JR.,
Deputy Attorney General.

TDP/HMB/LL

FEBRUARY 20, 1953.

THE HONORABLE SANFORD BATES, *Commissioner,*
Department of Institutions and Agencies,
State Office Building.
Trenton, New Jersey.

FORMAL OPINION—1953. No. 2.

DEAR COMMISSIONER BATES:

You desire to be advised whether an individual convicted as a disorderly person is deemed to have been convicted of a crime within contemplation of Chapter 84, P. L. 1948, Section 24. It is our opinion and we advise you that the answer to this proposition is in the negative.

Section 24 reads as follows:

"A prisoner, whose parole has been revoked because of conviction of a crime committed while on parole, shall be required, unless sooner reparaoled by the board, to serve the balance of time due on his sentence to be computed from the date of his original release on parole. If parole is revoked for reasons other than subsequent conviction for crime while on parole then the parolee, unless sooner reparaoled by the board, shall be required to serve the