



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**CRAWFORD C. MARTIN  
ATTORNEY GENERAL**

March 24, 1971

Mr. O. W. McStay  
Executive Secretary  
State Board of Barber Examiners  
512 Sam Houston Building  
Austin, Texas 78701

Opinion No. M-819

Re: Barber school teachers  
teaching in more than  
one school.

Dear Mr. McStay:

In your recent letter you stated that your office has information that throughout the State several teachers in barber schools teach in different schools instead of remaining attached to one particular barber school, and you ask the question as follows:

" . . . whether or not a teacher in a Barber School can be employed in and teach at more than one School at a time?"

The answer to your question is "yes", provided each barber school provides the required theory instruction by a qualified teacher.

The controlling portions of Article 734a, Vernon's Penal Code, Texas Barber Law, Section 9, Subsections (e), (f) and (g) which read, in part, as follows:

"(e) A minimum of five (5) one-hour periods of each week shall be devoted to the instruction of theory in the classroom . . ."

"(f) No barber school or college which issues 'Class A' certificates shall be approved by the Board unless it . . . shall have at least one (1) teacher who has a teacher's certificate issued by the Board upon examination and who is capable and qualified to teach the curriculum outlined herein to the students of such school . . ."

"(g) In addition to a minimum of one (1) teacher required . . . above, each barber school or college which issues 'Class A' certificates shall maintain at least one (1) qualified instructor, holding a registered 'Class A' certificate, for each twenty (20) students or any fraction thereof for instruction in practical work; provided, however, that a teacher can also serve as an instructor in practical work in addition to his position as a theory teacher."

We find no statutory or rule-making limitation on the duties of teachers, as opposed to instructors, other than the implication that the minimum number of teachers required by Subsection (f) should be on duty at the school at all times necessary to instruct the students during the teaching of theory required by Subsection (e). If, however, under Subsection (g) a teacher serves also as an instructor, such teacher will be required to remain at the school during the school hours unless the school has a sufficient number of instructors to meet the minimum requirements as set out in Subsection (g) without the use of such teacher as an instructor.

S U M M A R Y

A barber school teacher may be employed in and teach at more than one school at a time, provided the school has a teacher available for the required five one-hour periods each week devoted to the instruction of theory.

Very truly yours,

CRAWFORD C. MARTIN  
Attorney General of Texas

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First Assistant

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