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BOARD MEETING AGENDA

September 8, 2003 (1:30pm)
(Minutes are in Italics)

1. Pursuant to Chapter 551 of the Government Code (Open Meetings), call to order and roll call by William H. Kuykendall, J.D., Chairman, Texas State Board of Barber Examiners (TSBBE).

Chairman Kuykendall called the meeting to order at 1:40 p.m. Board members in attendance were Wayne Moore (Vice Chairman), Janie Garza, Ronald Brown, and Janis Wiggins. Mr. Hollister was absent. Also in attendance were Joseph Pitner (Assistant Attorney General) and the following staff: Douglas A. Beran (Executive Director), Margie Weaver (Staff Services Officer), and Glenn Parker (Chief Financial Officer). W. D. Wagner (Acres Home Barber College) was in attendance as were Amy Trost and Chloe Lieberknecht (Sunset Commission).

2. Read and possibly approve Board Minutes of July 7, 2003.

Mr. Brown made the motion, seconded by Mrs. Wiggins, that the minutes be approved. The motion carried unanimously.

3. Recognize the following individuals for their service to the barber profession and community:

Jimmy Little (56 years; deceased)

Glenn Linthicum (44+ years; deceased)

Jimmy Robertson (53+ years)

Chairman Kuykendall recognized these individuals for their service to their profession and the community and Board members signed the certificates of appreciation that will be forwarded to Mr. Robertson and the families of Mr. Little and Mr. Linthicum.

4. Public Comment.

Chairman Kuykendall asked members of the audience if they had any comments regarding the agenda or any other items of interest. There were none. Mr. Kuykendall thanked the representatives of the Sunset Commission for attending the meeting and asked if there was anything the Board could answer directly. There was none.

5. Consider for possible action Proposals for Decision from the State Office of Administrative Hearings (April 28, May 19, July 9, 2003).

Chairman Kuykendall introduced the item and deferred to Dr. Beran who gave Board members a history of the three dockets.

Mr. Moore made the motion, seconded by Mrs. Wiggins, to accept the proposals for decision in the matter of the assessment of administrative penalties against certain respondents. The motion carried unanimously.

6. Consider extending the suspension of rule §51.12 Inspection of New Barber School or College. The rule was suspended at the March 3rd, May 5th, and July 7th meetings and reads as follows:

§51.12. Two board members or one board member and the board's executive director shall inspect a proposed new barber school or college to determine that it fulfills all requirements of the board and of the Texas Barber Law, §9.

Chairman Kuykendall gave a history of the item. Dr. Beran noted the rule had been suspended because of the budget cut but now the agency has travel money with the start of the new fiscal year,

Mr. Moore made the motion to discontinue the suspension, seconded by Mrs. Wiggins. The motion carried unanimously.

7. Consider the TSBBE's administrative fine report for 09/01/02 - 08/23/03.

Chairman Kuykendall introduced the item and deferred to Dr. Beran. He noted that, at the last Board meeting, as part of the administrative fine report, staff had shown the Board how many individuals had tried to renew online but could not because their licenses had been blocked for failure to pay their fines and that Mr. Kuykendall had asked staff to determine how many tried to renew through the paper procedure. Dr. Beran noted one person tried but Mary Houston sent back the paperwork because the license cannot be renewed without payment of the fine pursuant to the Good Standing rule. He added that staff next will see if a barbershop or booth rental can be found under the blocked license and notify inspectors to go by those shops as part of their routine inspections and notify those individuals their licenses are blocked and take appropriate enforcement actions.

Mrs. Weaver then briefed the Board on the report. She noted that a substantial amount of the fines collected are from people who could not renew because their licenses had been blocked for non-payment of fines. In response to questions from Mr. Moore, Mrs. Weaver stated the 181 fines written on behalf of the Cosmetology Commission were in addition to the 391 fines written under the Barber rules and regulations. Those fines are forwarded to the Cosmetology Commission for its action. She added the 302 cases scheduled for SOAH are cases taken by the Barber Board to SOAH. They do not include SOAH cases for the Cosmetology Commission. The Barber Board does not track cases taken to SOAH by the Cosmetology Commission. Mr. Kuykendall confirmed that there are no cross-inspections by Cosmetology inspectors, the Barber Board does all of the cross-inspections, and that they do not have the authority to write fines on behalf of the Barber Board.

8. Consider the Year-to-Date Report on Enrollments, Re-enrollments, Transfers, Certifications.

Chairman Kuykendall introduced the item and deferred to Dr. Beran who noted this a new annual measure requested by staff for the current biennium. Staff requested the measure because, at the time strategic plan was being written, staff realized the Governor and the Legislative Budget Board did not have a full understanding of what the Agency does and that there was no measure for schools. So, staff requested this measure to show the state's leadership what occurs in the schools.

Mr. Kuykendall requested a column with the running totals at the far right of the page.

9. Consider for possible approval the Agency's schedule of examinations for 2004.

Chairman Kuykendall introduced the item. Mr. Moore proposed two changes: move the July 5 exam to July 12 and move the September 6 exam to September 13. Mr. Moore made the motion, seconded by Mrs. Wiggins, to accept the schedule of examinations with the two changes proposed by Mr. Moore. The motion carried unanimously.

10. Consider the Office of Attorney's Opinion No. GA-0092 [Re: Use of the Barber School Tuition Protection Account administered by the State Board of Barber Examiners (RQ-0024-GA)].

Chairman Kuykendall introduced the item and deferred to the Assistant Attorney General, Joseph Pitner, who summarized the history and particulars of the opinion. Mr. Pitner stated the Board had two questions: whether or not students who receive federal grant money for tuition are entitled to a refund of unused tuition if the school closes and the comptroller's opinion that the Barber Board does not have appropriation authority to disburse funds. The Attorney General's Opinion Division upheld Mr. Pitner's original opinion that the appropriation authority is in the statute itself that created a special fund in the State Treasury so it was unnecessary for appropriation authority to be given to the Barber Board through the General Appropriations Act.

As to the first question regarding whether or not students who receive federal money for tuition are entitled to reimbursement, the Attorney General says the statute doesn't speak to that specifically but the Board has authority to consider any claim on case-by-case basis but the Board did not have authority to graft on the statute any additional requirements that the statute did not have -- the statute set no real parameters on the refund of money to students. But Mr. Pitner stated the refund of money to a student whose tuition is being funded by federal grant money is something the statute did not contemplate -- to give a student money he did not have in the first place.

Dr. Beran briefed the Board on the meeting of the Conference Committee of the Senate and the House finalizing the appropriations. The tuition protection accounts were not included because the Chair of the House Appropriations Committee stated that would be additional expenditures from General Revenue that would exceed the maximum set by the Legislature. If the additional amounts were left as riders in the Barber Board, Cosmetology Commission, and Proprietary Schools, then more money would be eligible for expenditure than the maximum set by the Legislature. It appears the appropriations bill does not provide for the expenditure of the funds although the Attorney General's Opinion indicates the accounts are trust funds and staff is trying to find out what authority there is to expend the funds.

Glenn Parker noted he has asked the Appropriations Control Officer at the Comptroller's Office to see if the money is still in the dedicated fund (5081) that was set aside and was in the fund as of the last fiscal year or it has been taken by the Comptroller and what statute/bill was passed in the 78th session that would allow the Comptroller to do that. He's also asked the Comptroller to respond to the Attorney General's opinion and, if the money is still there and if the Barber Board says it wants the Comptroller to draw a check and refund it to a person, will the Comptroller do so. Mr. Parker anticipates some time will pass before the Barber Board receives a response.

Mr. Kuykendall asked Mr. Parker if he provided the Comptroller with a copy of the Attorney General's Opinion. Mr. Parker said he did.

Mr. Parker noted there are no pending claims against the fund but the Agency wants to know in advance the Comptroller's position.

Mr. Kuykendall noted the Attorney General's opinion carries the weight of law absent conflicting statute or tribunal opinion. He added there is no urgency because there are no claims to process.

11. Consider outsourcing the collection of fines and penalties.

Chairman Kuykendall introduced the item and noted the Board has asked the Attorney General to give the Board guidance on how to collect the fines and penalties due to the State. Mr. Kuykendall introduced Mr. Pitner. He noted the Attorney General is considering outsourcing the collection of fines and penalties according to the published rules in the Board members' packets. Essentially, the Attorney General has warned state agencies that they cannot outsource the collection of fines without Attorney General approval and that the Attorney General has to give specific approval.

Mr. Kuykendall asked if the approval has been requested and if the request has to be in writing. Mr. Pitner said a written request should be addressed to the Attorney General, Greg Abbott.

Mr. Kuykendall noted, for the record, Mr. Pitner is referring to Title 1, Part 3, Chapter 59, rule 59.2 of the Texas Administrative Code and the request needs to follow the requirements laid out in the code. Mr. Pitner agreed.

Mr. Parker added we would not want to outsource the immediate collection of fines assessed. We are talking about old fines and a person who has gone through a renewal cycle. If we were to outsource immediately, the state would lose considerable revenue. To corroborate Mr. Parker's statement, Dr. Beran noted in Margie Weaver's presentation on administrative fines that one-half of the fines collected in the fiscal year were from prior years. Since renewals are on a two-year cycle, it takes almost two years before a person gets to the point where his license is blocked and can't renew. Dr. Beran recommended the Board look at perhaps four or five years out for those fines.

Mr. Kuykendall requested a recommendation be brought back to the Board specifically regarding the age of the fines that would be subject to outsourcing activity if allowed by the Attorney General. And, if any other issues need to be approved by the Board, they would be brought back at the next Board meeting or the one after that.

12. Pursuant to rule 51.5 Good Standing Required for License Renewal, consider the denial of a barber school permit renewal to Larry's Barber and Hair Styling (Dallas) for failure to pay in full administrative penalties assessed against the licensee.

Chairman Kuykendall introduced the item. Mr. Moore requested that the Board consider this item after item 17. There was no opposition.

Chairman Kuykendall took up this item after agenda item #17 and deferred to Dr. Beran who distributed the history of actions against the owner of the school, briefed the Board on the history, and gave the status of actions against the owner of the school. He also distributed the school's progress reports and letters to the school owner notifying him of unpaid fines. The fines owed are \$1,848.13.

Mr. Kuykendall suggested that, to protect the students, the Executive Director negotiate a pay-out arrangement so the school stays open and the students stay in school; they are protected. Mr. Brown said the students need to be protected and a message needs to be sent to inspection staff that the Board will back them up with this kind of history.

Mr. Kuykendall stated the Board's consensus is the Board wants Dr. Beran to negotiate but from a position of strength. Mr. Brown agreed the Board wants it done and done now.

Dr. Beran asked if he should go ahead and renew the school permit. Technically, the Board is not supposed to accept hours from a non-permitted school. The Board agreed that if the school owner doesn't agree to pay the fine, the Board can take him to SOAH to revoke the license.

Mr. Moore made the motion that the Board instruct Dr. Beran to try to construct a working agreement with Mr. Johnson with the clear understanding there are some limitations on immediate future enrollments until the outstanding fines are settled to Dr. Beran's satisfaction; also, Dr. Beran can do the best negotiating on a

reasonable amount to recover the state's money and give students a chance to finish their enrollment. Mrs. Wiggins seconded the motion.

Mr. Kuykendall offered a friendly amendment that Dr. Beran take the benefit of discussion and attempt to fashion a remedy consistent with the Board's intent and report back to the Board at the next meeting. Mr. Moore rejected the friendly amendment.

The original motion carried with one abstention by Mr. Kuykendall.

Mr. Kuykendall asked Dr. Beran to report back at the next Board meeting for ratification.

13. Consider the Texas Building and Procurement Commission's Post-Procurement and Payment Audit Final Results - November 2002 and April, May, and June 2003.

Chairman Kuykendall introduced the item and deferred to Dr. Beran who explained the purpose of the audit and briefed Board members on the results of the audit in the Board members' materials.

Mr. Kuykendall asked what other items are evaluated by the auditors. Mr. Parker responded that agencies are audited to determine if they are buying from approved vendors, following purchasing laws and regulations, buying things properly, and coding those items properly. Is the agency following state rules for purchasing and payments? Generally speaking, the audit found that the agency is but it can improve.

Mr. Kuykendall added that of the 33 documents, only 4 were non compliant; greater than 10% but, in the big picture, a small number

14. Consider an overview of the TSBBE's appropriations for FY2004 - FY2005 and financial report (09/01/02 - 08/31/03).

Chairman Kuykendall introduced the item and deferred to Glenn Parker who briefed the Board on the financial documents in the Board's package. Mr. Parker noted the agency will have a budget reduction of \$36,000 per year over what was spent in fiscal year 2003. One reason is the Texas Legislature determined the state no longer pays the agencies for benefit replacement pay and longevity pay raises. Those amounts are now folded into the agency's budget. The other reason is the agency no longer will get a special appropriation from the Comptroller to pay the State Office of Risk Management for the accident an inspector had some years ago. Last year, that was over \$15,000; the year before that, it was about \$20,000 in appropriations. Mr. Parker then discussed some possible ways to accommodate these cuts. He anticipates the inspectors may have to be put on travel targets, Board travel may have to be saved by not having so many Board meetings, and, perhaps, not making payments to Northrop Grumman by not doing so many updates to the database as have been done in the past.

Another alternative is increasing appropriated receipts. Something the Board had considered in the past was requiring certain licensees to have the rules and regulations. Right now, students are required to have rules and regulations. The Board has considered people coming in from other states having the rules and regulations. There's been some discussion if new shops should have the rules and regulations. There's also the possibility of raising the prices and the possibility of having each shop have the rules and regulations every two years.

Mr. Parker suggested it would be reasonable to consider these issues aside from any money issues. If money were not an issue, what would this Board want to do in its wisdom? Which one of our licensees would the Board say really ought to have the rules and regulation and statute? It's not appropriate to require the sale of books to raise money when there's no reason otherwise. But, a reasonable argument can be made that it's beneficial to shop owners and barbers and to the people of the state that barbers be well informed on the rules and regulations under which they operate. That is the Board's decision.

If the Board required people coming in from out of state to have the books, that would be less than \$1,000. Requiring all shops would be \$20,000 year. If the Board raised the prices of the books by \$0.50 and not require

anyone else to buy them would raise \$7,500 per year. Require barbershops to buy them when a new shop opens or when the shop is bought by a new owner or when a shop permit is renewed every two years, at current prices, that would be equivalent to about \$25,000 per year.

If there is not an increase in revenue, then we will be looking at reductions in travel and other reductions in expenses. The only thing to cut is people and we lost one inspector position. Or, inspectors doing fewer inspections with less travel.

The only increased revenue the Board can keep is from books. Everything else goes into the general fund. The Board does not pay inspectors state rates for mileage (\$0.32 vs. state rate \$0.35). The state rate for overnight hotels is \$80. The agency pays \$60 maximum. We do not reimburse for maximums on meals

Dr. Beran noted that when one looks at the enrollments and the income from the schools, there's some uncertainty as to whether or not schools are buying the books. Some schools are and some aren't. There are some possibilities for making sure schools are buying books for the students according to the rule that schools shall buy the books for the students upon enrollment. Dr. Beran noted that when the school sends in its new enrollment list or student application report, perhaps the school could send in a check to cover the law books and rule books for the new enrollments.

Dr. Beran noted that, about a year ago, the Board had considered booth rental permits, barbershop permits, and individual licensees having law books and rule books. The rationale was that the Cosmetology Commission requires that of each independent contractor, each licensee, and each salon. The Board was uncomfortable with those proposed rules.

Ronald Brown asked about the enrollment fee. Mrs. Weaver stated the enrollment fee is set by statute. Mr. Brown suggested that the fees for the books could automatically be sent in with the enrollment papers and the books would be sent back to the schools and there would be no reason the students would not have the books.

Dr. Beran asked if Mr. Brown was suggesting that the enrollment package be changed to include \$10 for the law book and rule book. Mr. Brown confirmed. This also could be presented to the Texas Rehabilitation Commission..

Mr. Moore asked if a rule is needed. Mr. Kuykendall said it would be an administrative decision because schools are required to provide the books by rule.

Mr. Moore commended Mr. Parker for outlining the need for the money but for being quick to recognize that this Board does not choose to take any action just to raise revenue -- that would be totally improper.

But, Mr. Moore stated he would be totally comfortable with new students having books because they need to know the law; the same would hold true with reciprocity. Anyone coming in from another state should know the Texas law. Dr. Beran noted the next agenda item talks about those issues.

15. Consider for possible approval for publication and public comment proposed amendments to rule §51.77 Barber Shop Permit and rule §51.85 Reciprocal/Endorsement Licensing of Barbers to require the purchase of law and rule books.

Dr. Beran introduced the item and circulated written comments from Joe Shirley. Mr. Kuykendall asked if the enrollment data for the current fiscal and the sales of books correlate. Mr. Parker said they do. But, he wasn't sure if that's a coincidence or a reflection of what's really going on. For example, the total collected for the year is equivalent to the number of students; but, the amount collected in the last four or five months is significantly below what was collected earlier in the first four or five months. So, Mr. Parker was unable to answer Mr. Kuykendall's question with authority.

Mr. Kuykendall stated compliance with existing rules and policies should be maximized with regard to the purchase of the rulebook and statute by newly enrolled students. But, we need to get a hold on the variance before looking

elsewhere and make sure schools are purchasing books for newly enrolled students. We have a potentially easy approach to accomplishing that. When the student enrolls, send in the money to track disbursement of books so that it correlates with individuals enrolled. And what is the purpose of the rule. The Board agrees it is not to generate revenue but the Board is having this discussion because of the potential fiscal deficit. If we require barbers who come into the state under reciprocity to have the rule and statute book, that is consistent with the rule. They need to know what the rules are and the law is in Texas. Presently, we are not assessing a fee for the rulebook and the Board needs to do that and it's consistent with the fact that they're coming into this state and the laws and rules may be different. It would be more prudent than looking at assessing costs against individuals that fall in other areas, e.g., every time an individual opens a new shop, why should he buy a book when he already has three other shops? However, if one is a brand new permit holder, then a rule book would be needed to open a new shop

Mrs. Garza and Mr. Brown noted they receive telephone calls with questions that are answered in the law and rule books. If these individuals had law and rule books, then some problems and time might be saved.

Mr. Moore discussed Mr. Shirley's written comments. Mr. Moore stated his agreement with Mr. Shirley that barbershops and booth rentals should not be required to purchase the books because that is revenue enhancement. But, there is a valid reason for reciprocity and student barbers for protection of the public health. Mrs. Wiggins stated an individual could order a book to read rather than making them order the book. Mrs. Weaver pointed out a book order form goes out with every new barbershop application package. Generally, the ones that come back are those that are becoming dual shops.

Mr. Brown believes someone coming in from out of state and students should know the laws they're practicing under. Based upon the questions he has received (how to get a shop permit, how to get a license, what form to use with the doctor), there is a cycle that has gone through that has not paid attention to the law and there should be some way to encourage them to buy the laws. Mrs. Garza agreed. Mr. Brown and Mrs. Garza agreed the books should not be for revenue enhancement but should be for upgrade and get people aligned with what they should be aligned with, e.g., sanitation and sterilization.

Mr. Kuykendall requested staff to correlate sales with enrollment history to discover if there is a variance and determine how to shorten that variance. Mr. Parker said he would go back to see which schools bought books in the last year and how that aligns with the students they processed. The rule already is in place that requires schools to buy the books; if there needs to be a change in administration on how to do that, staff will update the Board at the next meeting of any changes in procedures.

Mr. Moore made the motion that rule 51.85 be amended such that a new barber coming in must be required to purchase a law and rule book and, where appropriate, the \$70 fee be changed to \$80 or payment of renewal fee and leave out a dollar amount. The motion was seconded by Mrs. Wiggins. The motion carried unanimously.

Mr. Moore noted the schools are required to buy a set of books for each student and the Executive Director may determine how to administer the requirement. Mr. Kuykendall added the Board agrees with the administrative requirement that school owners submit the cost for the rule book and the statute book at the time of submission of application for the student. Mr. Kuykendall also wants to know what the additional sales and revenue that will occur.

16. Consider inspectors' alternative methodologies by which the TSBBE can comply with the following performance measures set forth in HB1 given the health certificate is still required for the initial license and renewal.

	<u>2004</u>	<u>2005</u>
Percent of Licensees Who Renew Online	13%	18%
Percent of New Individual Licenses Issued Online	0%	10%

Chairman Kuykendall introduced the item and deferred to Dr. Beran who gave a brief overview of the new performance measures. He noted he had talked to inspectors about several ways to meet the performance measures.

Whenever a person goes online, he can check on a box that attests he/she has the health certificate and the inspectors can look for the health certificate posted in the barbershop. On the first inspection, if the health certificate is not posted, the inspector can say I'll be back in three months; and, if the health certificate still is not posted, the inspector can pull the license and write a ticket for obtaining a license by fraud.

Another option is to continue as is done now. We distribute TexasOnline flyers to the barberhops and put them in the renewal notices. We may produce a new flyer that tells barbers to go directly to the Board's web site and click on renew online and go directly to TexasOnline to renew.

Whenever a student graduates, he has to provide a new health certificate. If he can leave the health certificate at the Board when he takes the exam, then the school can notify the student he can get his new license online. That would address the performance measure of new licenses issued online.

As for licenses renewed online, if a person renews online, Mary Houston has to wait until she receives the health certificate before she can issue the license.

Another option might be a random audit where a person checks a box that says he renewed online and he has his health certificate. We would send a letter by random sample asking him to send in his health certificate. But, if the licensee doesn't send in the health certificate, what happens then?

Mr. Moore questioned if when a student sends in an application to take the test, does he also send in the health certificate? Margie Weaver said he does. That's fine because the health certificate already is on file and is current. He questioned if the student has to pay the online fee. Margie Weaver stated he will once the original license is online there will be a subscription fee added. Mr. Moore stated that the examiners at the exam should remind students with a handout about getting the original license online. Mr. Brown suggested that information could be put at the bottom of the letter that notifies the student he passed that he can get the license online.

Mr. Kuykendall stated the student problem is an easy fix because the Board can keep the health certificate here until the student passes the exam. But, for the others, the statute says the Board may not issue the license or certificate until the applicant "presents" the health certificate.

Mr. Kuykendall asked Mr. Pitner how to resolve a conflict of law. One statute says produce the health certificate; another law says enroll licensees online but they cannot enroll online if the health certificate is required. Mr. Pitner said the only way to resolve the conflict is the way the Board is handling it now, allow the registration process online but the renewal is not issued until the health certificate is received by the Board. Mr. Kuykendall stated it's highly unlikely the Board can reach the performance measure with the health certificate requirement still in place. Mr. Pitner agreed but stated the Board cannot choose which law it wants to follow.

Mr. Kuykendall questioned if there is a rule that if the legislature enacts legislation that is in direct conflict with prior legislation, how the courts are to interpret a balance of the conflict. Mr. Pitner said that is the rule of statutory construction. But, Mr. Pitner said the Board itself cannot resolve that conflict by using the rule of statutory construction. Mr. Kuykendall asked if the Board can ask the Attorney General to resolve the issue for two reasons: (1) there will be resolution and (2) demonstrate the Board's efforts meet the expectations of the Governor's Office and Legislative Budget Board to comply with their requirements. The Board needs legal guidance to do that.

Mr. Kuykendall directed staff to draft a letter to the Attorney General that cites the TexasOnline statute that requires the Board's licensees to renew online and receive their initial license online; however, our statute requires a physical presentation of the health certificate that cannot occur electronically. The LBB and the Governor's Office are requiring the Board to meet performance measures - the likelihood of compliance is remote in light of

the conflict between these two statutes. The Board would like for the Attorney General's office to give direction to the Board.

Mr. Moore stated students already have presented the health certificate before they take the test. Once they have been notified they have passed the test, they can go online.

Mr. Kuykendall stated we will follow Mr. Moore's recommendation with regard to the students. That leaves the rest of the licensed barbers who need to renew. That's why we've asked for an Attorney General's opinion.

Dr. Beran noted that, administratively, if a student passes the exam, that data will have to be communicated to Northrop Grumman so that when those students go online, Northrop Grumman will recognize those individuals as being eligible to get their initial license. There may be some programming costs involved. There also is the question of where students can access computers - perhaps at the school - and whether or not students have credit cards.

Margie Weaver noted TexasOnline has not approached the agency yet to begin the programming changes for the new licenses. Mr. Kuykendall noted the performance for new licenses is 0% for 2004 but there is a 13% performance for renewals. That is what we need legal guidance on -- the renewal category because the problem is the applicants for renewal are required to present certification.

Mr. Moore requested another information sheet on instructions on the web site and how to go online. Margie Weaver said such documentation would be available for the exams when we go online for the initial licenses. Dr. Beran added there will be a subscription fee that will be added to the initial license just as there was for the renewal license.

17. Consider expending funds to revise the teacher examination (English and Spanish).

Note: At the March 2003 Board meeting, the Board agreed to table the examination until the Board had the funds to send the examination to the national testing service for revision.

Chairman Kuykendall introduced the item and deferred to Dr. Beran who noted Mr. Brown and Mrs. Garza wrote new questions for the teacher exam. At the time, we were under the budget cut and we couldn't pay the Professional Testing Corporation for the new exam. But now, with the new fiscal year, perhaps the Board would want to consider bringing that back. To get a new English exam set up at the Professional Testing Corp, the cost would be approximately \$500 for the English exam and \$1,800 for the Spanish exam. Board members expressed a concern that the Spanish on the written exam is New York Spanish and not for Texas Spanish speakers.

Mr. Kuykendall asked if the cost has been budgeted. Mr. Parker said no because he has an \$18,000 problem he has to deal with. But the issue is if the examinations are a priority for the Board or something the Board chooses to do, then the money can be taken from travel and other categories. So, it's a Board decision. Mr. Kuykendall said the examinations are his priority and called for a motion.

Mr. Brown made the motion that the money be expended to put the new examination into English and Spanish, seconded by Mrs. Garza. The motion carried unanimously.

Mr. Kuykendall then returned to agenda item #12.

18. Adjourn

Prior to concluding the meeting, Mr. Kuykendall asked for any final public comment. William Wagner, overseer of Acres Home Barber School and the owner of two barbershops, spoke to agenda item #15. He said he agreed with Mr. Moore and Mr. Parker that the fees should not be raised for money but stated that once a student finishes school, there are barbers that are not going to buy the books. \$10 in a two-year cycle is not too much so that

everybody has the information. He suggested that every Class A barber should buy the books and attach that to the license.

Mr. Kuykendall thanked Mr. Wagner for his comments and adjourned the meeting at 4:30pm.