

The Texas Education Agency (TEA) proposes an amendment to §153.1011, concerning the mentor program allotment. The proposed amendment would modify the rule to further define the mentor program allotment as governed by Texas Education Code (TEC), Chapter 21.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 153.1011 describes the requirements for the Mentor Program Allotment, an optional, grant funded program to support mentorship as governed by TEC, §21.458, and detailed in TEC, §48.114. This allotment is for eligible districts that implement a mentorship program in accordance with TEC, §21.458.

The definition of beginning teacher would be modified in subsection (a)(1) so that uncertified beginning teachers may also be assigned mentors.

The proposed amendment to subsection (a)(3) would extend the definition of a mentor teacher to include individuals who have served as classroom teachers as defined by TEC, §5.001. This change would address the mentor teacher shortage concerns reported by districts.

The proposed amendment to subsection (b)(1) would update the mentor selection requirements for districts. New subsection (b)(1)(A) would require districts to prioritize the selection of current classroom teachers and retain documentation of selection processes in order to ensure that districts are prioritizing the selection of qualified mentors who have the most recent classroom experience.

New subsection (b)(1)(B) would introduce requirements that mentor teachers have instructional expertise in the area the beginning teacher is assigned and have classroom experience in the past three years. These changes would ensure that beginning teachers are matched with mentor teachers with recent instructional experience in their content areas.

To alleviate the workload of mentor teachers who currently serve as teachers of record, the proposed amendment to subsection (b)(2)(A) and (B) would reduce the average number of hours a mentor must serve as a teacher of record to be assigned a certain number of beginning teachers.

New subsection (b)(2)(C) would be added to allow mentors who are not currently classroom teachers to be assigned no more than six beginning teachers. Mentor teachers who are not currently classroom teachers would have more time and flexibility to be able to support more beginning teachers.

Subsection (b)(5)(A) would be amended to allow a beginning teacher to observe a highly effective teacher other than their mentor teacher. This change would allow beginning teachers opportunities for observation even if their mentor is not a current classroom teacher.

Subsection (b)(5)(B)(i)(IV) would be amended to add lesson internalization to the topics a mentor teacher may address with a beginning teacher. This addition would support mentor and beginning teachers in districts that have adopted high quality instructional materials.

Subsection (c) would be amended to remove the requirement for the commissioner of education to adopt a funding formula to determine the amount to which approved districts are entitled. Since this requirement is included in TEC, §48.114, this amendment would eliminate redundancy.

The proposed amendment to subsection (d)(1)(B) would increase the number of surveys administered from one to no more than two yearly. This would provide the agency, mentor training providers, and districts more data points throughout the year to continuously improve the implementation of mentoring programs.

FISCAL IMPACT: Emily Garcia, associate commissioner for educator preparation, certification and enforcement, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand an existing regulation by broadening the definition of mentor teacher to include an individual who serves or has served as a classroom teacher and has at least three years of recent classroom teaching experience; adding mentor selection criteria for districts; and adding to the topics a mentor teacher may address with a beginning teacher. The proposed rulemaking would also limit an existing regulation by removing the requirement that the commissioner annually adopt a funding formula for mentor program allotment funding.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Garcia has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to provide school districts with greater flexibility on the assignment of mentor teachers to support beginning teachers within their district. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would require an additional written report or other paperwork to be completed by a principal or classroom teacher. However, the rule imposes the least burdensome requirement possible to achieve the objective of the rule. Subsection (d)(1)(B) currently requires beginning teachers and mentor teachers for whom funds were used under TEC, §48.114, to complete an annual survey as part of the verification of compliance. The proposed amendment would increase the number of surveys from one to no more than two annually in order to provide the agency, mentor training providers, and districts more data points throughout the year to continuously improve the implementation of mentoring programs.

PUBLIC COMMENTS: The public comment period on the proposal begins September 8, 2023, and ends October 9, 2023. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on September 8, 2023. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §21.458, which allows districts to assign mentor teachers to work with new teachers, provides requirements around mentor program design and delivery, and requires the commissioner to adopt rules necessary to administer this statute; and TEC, §48.114, which provides a mentor program allotment to be used for funding eligible district mentor training

programs; outlines permissible uses of mentor program allotment funds, which include mentor teacher stipends, scheduled release time for mentoring activities, and mentor support through providers of mentor training; and requires the commissioner to adopt a formula to determine the amount to which eligible school districts are entitled.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §21.458 and §48.114.

<rule>

§153.1011. Mentor Program Allotment.

- (a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.
- (1) Beginning teacher--A ~~[classroom]~~ teacher of record in Texas who has less than two years of teaching experience in the subject or grade level to which the teacher is assigned.
 - (2) Classroom teacher--An educator who is employed by a school district in Texas and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technical instructional setting. The term does not include a teacher's aide or a full-time administrator.
 - (A) For a school district, a classroom teacher, as defined in this paragraph, must hold an appropriate certificate issued by the State Board for Educator Certification and must meet the specifications regarding instructional duties defined in this paragraph.
 - (B) For an open-enrollment charter school, a classroom teacher is not required to be certified but must meet the qualifications of the employing charter school and the specifications regarding instructional duties defined in this paragraph.
 - (3) Mentor teacher--An individual who serves or has served as a [A] classroom teacher in Texas who provides effective support to help beginning teachers successfully transition into the teaching assignment. The term does not include an appraiser as defined by Texas Education Code (TEC), §21.351.
 - (4) School district--For the purposes of this section, the definition of school district includes open-enrollment charter schools.
 - (5) Teacher of record--An educator who is employed by a school or district and who teaches in an academic instructional setting or a career and technical instructional setting and is responsible for evaluating student achievement and assigning grades.
- (b) Program requirements. In order for a district mentor program to receive funds through the mentor program allotment, as described in Texas Education Code (TEC), §48.114, the program must be approved by the commissioner of education using the application and approval process described in subsection (c) of this section. To be approved by the commissioner, district mentor programs must comply with TEC, §21.458, and commit to meet the following requirements.
- (1) Mentor selection. A district [To qualify as a mentor teacher, a classroom teacher] must:
 - (A) prioritize the selection of current classroom teachers as mentor teachers using clear selection criteria, protocols, and hiring processes that align with requirements of this paragraph and TEC, §21.458, and retain documentation of such processes locally; and
 - (B) select mentor teachers who:
 - (i) ~~[(A)]~~ complete a research-based mentor and induction training program approved by the commissioner;
 - (ii) ~~[(B)]~~ complete a mentor training program provided by the district;

- (iii) ~~(C)~~ have at least three complete years of teaching experience with a superior record of assisting students, as a whole, in achieving improvement in student performance. Districts may use the master, exemplary, or recognized designations under TEC, §21.3521, to fulfill this requirement; ~~and~~
 - (iv) ~~(D)~~ demonstrate interpersonal skills, instructional effectiveness, and leadership skills ; [;]
 - (v) have expertise, to the extent practicable, in effective instructional practices specifically for the grade levels and subjects to which the beginning teacher is assigned; and
 - (vi) have experience as a classroom teacher in the past three years.
- (2) Mentor assignment. School districts must agree to assign no more than:
- (A) two beginning teachers to a mentor who serves as a teacher of record for, on average, four or more ~~six~~ hours per instructional day; ~~or~~
 - (B) four beginning teachers to a mentor who serves as a teacher of record for, on average, less than four ~~six~~ hours per instructional day ; ~~or~~ [;]
 - (C) six beginning teachers to an individual who serves as a full-time mentor.
- (3) District mentor training program. A school district must:
- (A) provide training to mentor teachers and any appropriate district and campus employees, including ~~such as~~ principals, assistant principals, and instructional coaches, who work with a beginning teacher or supervise a beginning teacher;
 - (B) ensure that mentor teachers and any appropriate district and campus employees are trained before the beginning of the school year;
 - (C) provide supplemental training that includes best mentorship practices to mentor teachers and any appropriate district and campus employees throughout the school year, minimally once per semester; and
 - (D) provide training for a mentor assigned to a beginning teacher who is hired after the beginning of the school year by the 45th day of employment of the beginning teacher.
- (4) District roles and responsibilities. A school district must designate a specific time during the regularly contracted school day for meetings between mentor teachers and the beginning teachers they mentor, which must abide by the mentor and beginning teachers' entitled planning and preparation requirements in TEC, §21.404, and the provisions of paragraph (5)(A) of this subsection.
- (5) Meetings between mentors and beginning teachers. A mentor teacher must:
- (A) meet with each beginning teacher assigned to the mentor not less than 12 hours each semester, with observations of the mentor teacher or other highly effective teachers by the beginning teacher being mentored or observations of the beginning teacher being mentored by the mentor teacher counting toward the 12 hours each semester; and
 - (B) address the following topics in mentoring sessions with the beginning teacher being mentored:
 - (i) orientation to the context, policies, and practices of the school district, including:
 - (I) campus-wide student culture routines;
 - (II) district and campus teacher evaluation systems;
 - (III) campus curriculum and curricular resources, including formative and summative assessments; and

- (IV) campus policies and practices related to lesson planning or lesson internalization ;
 - (ii) data-driven instructional practices;
 - (iii) specific instructional coaching cycles, including coaching regarding conferences between parents and the beginning teacher;
 - (iv) professional development; and
 - (v) professional expectations.
- (c) Application approval process. The Texas Education Agency (TEA) will provide an application and approval process for school districts to apply for mentor program allotment funding. Funding will be limited based on availability of funds [~~, and, annually, the commissioner shall adopt a formula to determine the amount to which approved districts are entitled~~]. The application shall address the requirements of TEC, §21.458, and include:
 - (1) the timeline for application and approval;
 - (2) approval criteria, including the minimum requirements necessary for an application to be eligible for approval; and
 - (3) criteria used to determine which districts would be eligible for funding.
- (d) Ongoing verification of compliance with program requirements.
 - (1) Each year, participating districts will be required to submit or participate in a verification of compliance with program requirements through a process to be described in the application form. The verification of compliance will include:
 - (A) an annual compliance report, submitted by the district, attesting to compliance with authorizing statute and commissioner rule. The report is to include the number of beginning teachers for whom the district used funds received under TEC, §48.114; and
 - (B) surveys administered not more than twice yearly that may include the district's beginning teachers, mentor teachers, and any appropriate district and campus employees who work with beginning teachers [~~an annual survey of the district's beginning teachers and mentor teachers~~] for whom funds were used under TEC, §48.114. The surveys [survey] will be used to gather data on program implementation and teacher perceptions.
 - (2) Failure to comply with TEC, §21.458, and this section after receiving an allotment may result in TEA rescinding eligibility of a district's current or future mentor program allotment funding.
- (e) Allowable expenditures. Mentor program allotment funds may only be used for the following:
 - (1) mentor teacher stipends;
 - (2) release time for mentor teachers and beginning teachers limited to activities in accordance with this section; and
 - (3) mentoring support through providers of mentor training.
- (f) District mentor program review. School districts awarded mentor program allotment funds must agree to submit all information requested by TEA through periodic activity/progress reports, which will occur at least once per year. Reports will be due no later than 45 calendar days after receipt of the information request and must contain all requested information in the format prescribed by the commissioner.
- (g) Final decisions. Commissioner decisions regarding eligibility for mentor program allotment funds are final and appeals to the commissioner regarding such decisions will not be considered.