

The Texas Education Agency (TEA) proposes the repeal of §153.1011 and new §153.1011, concerning commissioner's rules on professional development. The proposed rule actions would repeal the existing teacher mentorship rule and add a new rule to implement the mentor program allotment enacted by House Bill (HB) 3, 86th Texas Legislature, 2019.

BACKGROUND INFORMATION AND JUSTIFICATION: Section 153.1011 currently describes the program requirements for the Beginning Teacher Induction and Mentoring Program, an optional, grant-funded program to support mentorship that has been inactive due to lack of funding.

HB 3, 86th Texas Legislature, 2019, amended state law on mentorship requirements in Texas Education Code (TEC), §21.458, and created an optional mentor program allotment in TEC, §48.114. The new allotment is for eligible districts that implement a mentor training program in accordance with TEC, §21.458.

Because of these statutory changes, it is necessary to repeal §153.1011 as it relates to the Beginning Teacher Induction and Mentoring Program and replace it with a new rule related to the mentor program allotment for district mentor training programs.

The proposed new rule would clarify aspects of law related to mentor training programs for new teachers, as follows.

Proposed new subsection (a) would establish definitions related to the new rule.

Proposed new subsection (b) would specify how many beginning teachers a mentor teacher may be assigned, specific district- and school-based staff who must complete mentor training, and the timelines related to mentor training. Subsection (b) would also clarify the appropriate times of day and frequency with which meetings between mentors and beginning teachers should occur and the topics that mentor teachers and beginning teachers must cover.

Proposed new subsection (c) would address the application approval process for mentor program allotment funding.

Proposed new subsection (d) would specify compliance requirements for participating districts.

Proposed new subsection (e) would address permissible uses of mentor program allotment funds.

Proposed new subsection (f) would outline program review requirements.

Proposed new subsection (g) would specify the finality of commissioner decisions regarding mentor program allotment funds.

FISCAL IMPACT: Tim Regal, associate commissioner for instructional support, 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 beyond what the authorizing statute requires.

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 repeal an existing regulation and create a new regulation by repealing the existing mentor program rule and adding a new rule to implement the mentor program allotment.

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 expand or limit 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: Mr. Regal 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 ensuring that rule language is based on current law and providing school districts with the requirements and process to apply for funding from the mentor program allotment. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have a data and reporting impact. Under the proposed new rule, school districts would be required to submit an application to be approved for mentor program allotment funds. In addition, school districts that receive mentor program allotment funds would be required to submit information annually to verify program compliance and submit any information requested by TEA through activity/progress reports.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would require a written report or other paperwork but does not specifically require a principal or classroom teacher to complete the report or paperwork. However, local district decisions may vary. In such an instance, the proposal would impose the least burdensome requirement possible to achieve the objective of the rule.

PUBLIC COMMENTS: The public comment period on the proposal begins March 20, 2020, and ends April 20, 2020. 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 March 20, 2020. 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/). Comments on the proposal may also be submitted to Cristina De La Fuente-Valadez, Rulemaking, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701.

STATUTORY AUTHORITY. The repeal is proposed under Texas Education Code (TEC), §21.458, which allows districts to assign mentor teachers to work with new teachers and provides requirements for mentor selection, assignment, and training and topics to be covered between the mentor teacher and the classroom teacher being mentored. TEC, §21.458(b), requires the commissioner to adopt rules necessary to administer this statute; and TEC, §48.114, which establishes a mentor program allotment to be used for funding eligible district mentor training programs; outlines permissible use 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 repeal implements Texas Education Code, §21.458 and §48.114.

<rule>

§153.1011. Beginning Teacher Induction and Mentoring Program.

*n

STATUTORY AUTHORITY. The new section is proposed under Texas Education Code (TEC), §21.458, which allows districts to assign mentor teachers to work with new teachers and provides requirements for mentor selection, assignment, and training and topics to be covered between the mentor teacher and the classroom teacher being mentored. TEC, §21.458(b), requires the commissioner to adopt rules necessary to administer this statute; and TEC, §48.114, which establishes a mentor program allotment to be used for funding eligible district mentor training programs; outlines permissible use 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 new section 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 new classroom teacher in Texas who has less than two years of teaching experience.
 - (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--A classroom teacher in Texas who provides effective support to help beginning teachers successfully transition into the teaching assignment.
 - (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. To qualify as a mentor teacher, a classroom teacher must:
 - (A) complete a research-based mentor and induction training program approved by the commissioner;
 - (B) complete a mentor training program provided by the district;
 - (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

- (D) demonstrate interpersonal skills, instructional effectiveness, and leadership skills.
- (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, 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 six hours per instructional day.
- (3) District mentor training program. A school district must:
 - (A) provide training to mentor teachers and any appropriate district and campus employees, 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) Mentor 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.
- (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 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. No more than 2 of the 12 required hours per semester for mentor teachers and beginning teachers to meet or observe one another may happen outside the regularly contracted school day; 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;
 - (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. Each year, 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.
 - (2) Failure to comply with TEC, §21.458, and this section after receiving an allotment may result in negative impact on a district's 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 not more than once yearly. 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 may not be appealed.