

The Texas Education Agency (TEA) adopts the repeal of §153.1011 and new §153.1011, concerning commissioner's rules on professional development. The repeal is adopted without changes to the proposed text as published in the March 20, 2020 issue of the *Texas Register* (45 TexReg 1922) and will not be republished. The new section is adopted with changes to the proposed text as published in the March 20, 2020 issue of the *Texas Register* (45 TexReg 1922) and will be republished. The adopted rule actions 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.

REASONED 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 adopted new rule clarifies aspects of law related to mentor training programs for new teachers, as follows.

Adopted new subsection (a) establishes definitions related to the new rule. In response to public comment, subsection (a)(1) has been modified at adoption to clarify that a beginning teacher is a classroom teacher with less than two years of teaching experience in the subject or grade level to which the teacher is assigned.

Adopted new subsection (b) specifies 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) also clarifies 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. In response to public comment, modifications were made to subsection (b) at adoption. Subsection (b)(4) has been modified at adoption to indicate the responsibilities of a district, not a mentor teacher, and to specify that the district must designate at least 12 hours per semester for mentoring activities to occur between the mentor and beginning teacher. Subsection (b)(5)(A) has been modified at adoption to remove the option for 2 of the 12 required hours of mentoring activity between the mentor and beginning teacher per semester to occur outside the regularly contracted school day.

Adopted new subsection (c) addresses the application approval process for mentor program allotment funding.

Adopted new subsection (d) specifies compliance requirements for participating districts. In response to public comment, subsection (d)(1) has been modified at adoption to clarify the type of information collected through compliance reporting. The data will include an annual compliance report submitted by the district and an annual survey of the district's beginning teachers and mentor teachers for whom funds were used under TEC, §48.114.

Adopted new subsection (e) addresses permissible uses of mentor program allotment funds.

Adopted new subsection (f) outlines program review requirements.

Adopted new subsection (g) specifies the finality of commissioner decisions regarding mentor program allotment funds. In response to public comment, subsection (g) has been modified at adoption to clarify that the limitation on appeals addresses appeals to the commissioner, which reflects the promotion of efficient administration of the mentor allotment program.

Changes have been made to the assessment of data and reporting impact since published as proposed.

As proposed, the new rule required school districts to submit an application to be approved for mentor program allotment funds. In addition, school districts that receive mentor program allotment funds are required to submit

information annually to verify program compliance and submit any information requested by TEA through activity/progress reports. At adoption, new subsection (d)(1)(B) was added to require 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.

Changes have been made to the assessment of principal and classroom teacher paperwork requirements since published as proposed.

At proposal, TEA determined that the proposed new rule would require a written report or other paperwork but that the rule did not specifically require a principal or classroom teacher to complete the report or paperwork. However, at adoption, new subsection (d)(1)(B) was added to require 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. Therefore, TEA has updated this assessment of paperwork requirements. The TEA has determined that the adopted new rule requires a 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.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began March 20, 2020, and ended April 20, 2020. Following is a summary of the comments received and corresponding responses.

Comment: The Texas Classroom Teachers Association (TCTA) commented that the definition of a beginning teacher should include one who has less than two years of experience in the subject or grade level to which the teacher is assigned, consistent with statutory language in TEC, §21.458(a).

Agency Response: The agency agrees. Subsection (a)(1) has been modified at adoption to clarify that a beginning teacher is a teacher who has less than two years of teaching experience in the grade level or subject to which the teacher is assigned.

Comment: TCTA commented that the definition of a mentor teacher should include statutory language from TEC, §21.458(a)(1) and (2), indicating that mentors must, to the extent practicable, teach in the same school and subject or grade level as the beginning teacher. TCTA commented this addition would emphasize best practices on selecting and assigning mentors.

Agency Response: The agency disagrees. Since TEC, §21.458, explicitly states that mentors must, to the extent practicable, teach in the same school and subject or grade level as the beginning teacher, those requirements do not need to be included in rule.

Comment: TCTA commented that subsection (b)(2) regarding mentor assignment should include the requirements in TEC, §21.458(a)(1) and (2), because it would outline the timelines and required level of commitment from districts and mentors to implement mentor programs with fidelity.

Agency Response: The agency disagrees. TEC, §21.458(b), requires the commissioner to include in rule the number of classroom teachers that may be assigned to a mentor, which is the intent of subsection (b)(2). Since TEC, §21.458(a)(1) and (2), state that, to the extent practicable, the mentor teacher must teach in the same grade or subject level and school as the beginning teacher, those requirements do not need to be included in rule.

Comment: TCTA expressed appreciation for subsection (b)(4), which requires districts to abide by TEC, §21.404, when designating a specific time for mentoring activities to occur. TCTA commented that its members have expressed concerns regarding campus and district attempts to use a teacher's planning and preparation time in ways inconsistent with TEC, §21.404.

Agency Response: The agency agrees that districts must abide by TEC, §21.404, when designating a specific time for mentoring meetings to occur.

Comment: TCTA commented that subsection (b)(4) should be renamed because the substance of the paragraph relates to district, not mentor, roles and responsibilities.

Agency Response: The agency agrees. Subsection (b)(4) has been modified at adoption to clarify that the paragraph addresses the district roles and responsibilities.

Comment: TCTA commented that subsection (b)(4) should include language from TEC, §21.458(g)(2), indicating that a district must provide release time or a reduced teaching load to mentor and beginning teachers, because it would indicate ways in which districts can facilitate time for mentoring activities to occur.

Agency Response: The agency disagrees. The purpose of subsection (b)(4) is to clarify that districts must abide by the requirements in TEC, §21.404, when specifying a time during which mentoring activities can occur. Since TEC, §21.458(g)(2), explicitly states that districts must schedule release time or a reduced teacher load for mentor teachers and beginning teachers to facilitate mentoring activities, those requirements do not need to be included in this rule.

Comment: TCTA commented that the 2 of the 12 required hours of mentoring activities should not be allowed to occur outside the regularly contracted school day because it conflicts with statutory requirements of TEC, §21.458(g).

Agency Response: The agency agrees. Subsection (b)(4) and (5)(A) have been modified at adoption to clarify that a district must designate at least 12 hours of time during the regularly contracted school day for mentoring activities to occur between mentor and beginning teachers.

Comment: Texas State Teachers Association (TSTA) commented it was unnecessary to state that districts may use teacher designations under TEC, §21.3521, to meet mentor selection requirements because district participation in the teacher incentive allotment is optional and other districts are equally capable of identifying highly effective teachers.

Agency Response: The agency disagrees. Subsection (b)(1)(C) provides further clarity in how a district may identify teachers who have a superior record of improving student achievement, and no district is required to use these designations.

Comment: TSTA commented that the provisions in subsection (b)(5)(B)(i)(I)-(IV) exceed the parameters outlined in TEC, §21.458, and are unnecessary because they are too prescriptive, and mentor teachers, who are selected for their effectiveness, would know how to orient beginning teachers to the context, policies, and practices of the district. Additionally, TSTA commented that subsection (b)(5)(B)(ii)-(iv) sufficiently cover the intent of subsection (b)(5)(B)(i)(I)-(IV).

Agency Response: The agency disagrees. The provisions of subsection (b)(5)(B)(i)(I)-(IV) further clarify high-leverage best practices related to district context, policies, and practices with which beginning teachers interact daily.

Comment: TSTA commented that all districts that have implemented a mentoring program in accordance with TEC, §21.458, are entitled to an allotment as determined by a commissioner formula. TSTA referenced language in TEC, §48.114, stating that the commissioner formula is to determine "the amount to which" each district is entitled, and not base it on the availability of funds. TSTA also commented that annual adjustments to the funding formula may obscure the application process for districts.

Agency Response: The agency disagrees. The Texas Legislature appropriated \$3 million in funding for the mentor program allotment for the current biennium, and, should it decline to appropriate funds for a future biennium, no allotment funding would be available. Furthermore, a school district may not receive an allotment if its mentoring program does not meet the requirements of TEC, §21.458. Finally, there is no limitation in TEC, §48.114, on the ability of the commissioner to revise the allotment funding formula.

Comment: Texas Public Charter School Association (TPCSA) noted its support for the proposed new rule. Specifically, TPCSA supported the fact that charter school teachers do not need to be certified to serve as mentors,

that mentor teachers must have three years of experience and a proven impact on student achievement, and that districts may use teacher designation under TEC, §21.3521, to fulfill some of the mentor selection requirements.

Agency Response: The agency agrees that mentor teachers serving in charter schools do not need to be certified classroom teachers and that districts may use designations through the teacher incentive allotment to fulfill some of the mentor selection requirements.

Comment: TPCSA expressed concern that without proper context for subsection (a)(2)(B), it may seem the agency is waiving a certification requirement for charter teachers to serve as mentors when most charter teachers do not require certification under TAC.

Agency Response: The agency disagrees that additional context is required in subsection (a)(2)(B) because the intent is to clarify mentor teacher certification requirements.

Comment: TPCSA commented that subsection (b)(1)(C) does not include the reason mentor teachers must have three years of teaching experience. TPCSA noted that three years of teaching experience suffices for establishing a superior record of student achievement.

Agency Response: The agency disagrees. While three years of teaching experience may be sufficient for some teachers to demonstrate a superior impact on student achievement, this is not necessarily true for all teachers. Additionally, the intent of subsection (b)(1)(C) is to clarify that districts may use teacher designations under TEC, §21.3521, as a way to identify highly effective teachers and includes language from TEC, §21.458(b)(3), for context.

Comment: Educate Texas commented that it would benefit districts and teachers if the approval for the "Mentor School Program" would allow for an appeal.

Agency Response: The agency disagrees. However, subsection (g) has been modified at adoption to clarify that the limitation on appeals addresses appeals to the commissioner, which reflects the promotion of efficient administration of the mentor program allotment.

Comment: Educate Texas commented that funding is based on the availability of funds, and the commissioner will have control over which districts receive funding. Educate Texas suggested the agency may consider this arbitrary decision-making related to which districts, teachers, and students may benefit.

Agency Response: The agency disagrees that the process for district funding will be arbitrary. The agency has posted a transparent application process to its website, which is based on statutory requirements. The agency has also posted to its website how funding will prioritize districts based on need with a transparent process for assigning priority points.

Comment: Educate Texas commented that the agency's reported fiscal impact to districts is zero, which is not the case if districts want to implement meaningful mentor programs.

Agency Response: The agency disagrees. Districts across the state vary greatly in terms of the infrastructure and programmatic elements already in place for mentor programs. Additionally, it is assumed there will be great variability among districts regarding how they choose to implement mentor programs, creating differences in programmatic spending.

Comment: Educate Texas commented that the agency may want to clarify how charter school teachers who do not need to be certified to teach may be eligible for state funding for the mentor program and offer funding proportional to traditional schools.

Agency Response: The agency provides the following clarification. Charter school teachers who do not need to be certified to serve as mentors may be eligible for state funding through the mentor program allotment.

Comment: Educate Texas commented that the agency may want to specify the types of data that will be collected from districts so that they can make informed decisions when applying.

Agency Response: The agency agrees. Subsection (d)(1) has been modified at adoption to clarify the type of information that will be collected through annual compliance reporting. The data will include an annual compliance report submitted by the district and an annual survey of the district's beginning teachers and mentor teachers for whom funds were used under TEC, §48.114.

Comment: Educate Texas commented that the agency should consider sharing information about the most comprehensive mentorship training programs to help inform districts in developing their programs.

Agency Response: The comment is outside the scope of the proposed rule. The agency agrees that providing information on comprehensive mentorship training programs would be helpful and will post information to its website.

STATUTORY AUTHORITY. The repeal is adopted 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.

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§153.1011. Beginning Teacher Induction and Mentoring Program.

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STATUTORY AUTHORITY. The new section is adopted 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.

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§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 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--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) 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 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;
 - (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. 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) an annual survey of the district's beginning teachers and mentor teachers for whom funds were used under TEC, §48.114. The 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 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 appeals to the commissioner regarding such decisions will not be considered.