



ATPE Input on HB 5019

Regarding payroll deduction, continuing education, and liability insurance for educators

May 6, 2025

The **Association of Texas Professional Educators (ATPE)** offers the following input in opposition to HB 5019 by Rep. Capriglione:

HB 5019 would eliminate the ability of public educators to enjoy the common convenience of payroll deduction as it applies to voluntary dues for professional association membership, an employee benefit with effectively no cost to their employers; limit their ability to pursue professional development based on their desire to fully engage as active citizens with regard to their profession; and remove them from their chosen insurance provider while enrolling them without their consent in a state-sponsored private provider, at a cost to the educator, thorough payroll deduction—the exact thing Texas’ right-to-work provisions are meant to protect against.

ATPE provides education professionals with many valuable services. Educators join professional organizations such as ATPE—which is nonunion and solely Texas-based— to improve their skills and gain leadership experience through in-person conferences, dedicated professional learning cohorts, book studies, and continuing professional education courses. Our members rely on ATPE to explain, in real-world terms, the intricacies of the dizzying array of laws that shape their profession. ATPE members volunteer together through associations like ours to mentor new colleagues and celebrate the best and brightest in their profession. Most of all, they connect with each other and form lasting friendships that make it possible to keep working in a field that seems to grow more challenging every year. ATPE members have told us our association is one of the things keeping them in the classroom. ATPE helps equip them as educators and empower them to better support their students and themselves.

Under current law, payroll deduction allows educators to easily and safely pay voluntary membership dues using the same mechanism with which they make payments to other for-profit and nonprofit companies and organizations for a host of goods and services. Like many other private businesses that receive dues or subscription fees through payroll deduction, ATPE offers a number of ways for members to pay. Our members have told us through their words and actions that many of them prefer to use payroll deduction over other methods of payment; it is easier and more secure. As has been discussed at length this session, educators are busy professionals whose priority is their students. For many educators, payroll deduction is a simple, secure, and voluntary process that allows them to focus on those students without the burden of yet one more administrative task.

The Association of Texas Professional Educators (ATPE) is the leading educator association in Texas and has been a strong voice for Texas educators since 1980. With its strong collaborative philosophy, ATPE speaks for classroom teachers, administrators, future, retired and para-educators and works to create better opportunities for the more than 5 million Texas public schoolchildren. ATPE is the ally and the voice of Texas public school educators.

Payroll deduction is a safe, reliable, and convenient way for public employees to manage their own money, and it provides an effective hedge against potential problems such as identity theft and other common cyber threats by eliminating credit cards from the mix. This school district practice is identical to making donations via payroll deduction to the United Way, tithing to the church, giving to school districts' own foundations or other charities, as well as deducting payments for healthcare, insurance, and various cafeteria plan expenses. More so even than other legislation that has been proposed to eliminate dues deduction for Texas educators, HB 5019 seeks to ban a narrow subset of Texans from using payroll deduction while allowing others to use it for the exact same purpose. This unequal treatment under the law raises serious constitutional questions in its targeting of educators.

Prior to the *Janus v. AFSCME* case in 2018, dues deduction bills in other states were often premised on the idea that public employees were being coerced into funding organizations they did not agree with. This of course has never been an issue in Texas, a proud right-to-work state. An educator who joins ATPE or another professional association or union does so completely of their own free will and through their own paycheck. However, HB 5019, shockingly, would effectively seek to install a measure of the coercion that Texas' right-to-work laws are meant to protect against and that *Janus* outlawed with regard to "agency fees." HB 5019 does this by requiring the Texas Education Agency (TEA) to contract with a third-party vendor to provide liability insurance to teachers, something the private market currently offers without government intervention. Although there may be some level of government subsidy, the bill clearly envisions the vendor charging for this service, as teachers would, without prior authorization, have the cost taken out of their paychecks using the very same system the bill seeks to bar them from voluntarily using to pay for insurance and other services through a professional association. Further, this puts a government vendor in the position of providing insurance in cases where TEA and the State Board for Educator Certification (the State) is itself often the opposing party.

Finally, the bill seeks to punish educators who wish to utilize their First Amendment rights to association and speech to advocate together on behalf of themselves, their profession, and their students by limiting their access to continuing professional education credit, particularly at conventions and other professional group gatherings. HB 5019 would disallow them to receive credit for professional development if, at the same gathering, they also talk about the politics and politicians that so dramatically impact them and their professions.

ATPE urges you to oppose HB 5019. This legislation is not needed, will limit public employees' options for handling their own money, and raises serious constitutional issues that are likely to result in costly litigation against the state—for which taxpayers, ironically, would be forced to pay.

For additional information, contact ATPE Governmental Relations at (800) 777-2873 or government@atpe.org.

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