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The Honorable Mike Morath
Commissioner of Education
Texas Education Agency
1701 N. Congress Ave.
Austin, TX 78701

By email: commissioner@tea.texas.gov

Re: *House Bill 2 (HB 2) Implementation: Teacher Retention Allotment and Support Staff Retention Allotment (June 12, 2025)*

To the Honorable Mike Morath, Commissioner of Education:

On June 12, 2025, the Texas Education Agency (TEA) issued guidance entitled *House Bill 2 Implementation: Teacher Retention Allotment and Support Staff Retention Allotment*. TEA also included a link to *House Bill 2 Frequently Asked Questions*. On behalf of the Association of Texas Professional Educators (ATPE) and our membership, I am writing to seek clarification on three key points in the guidance.

1. Eligibility of Uncertified Teachers for the Teacher Retention Allotment; Counting Years of Teaching Experience

House Bill 2 states that “classroom teacher” has the meaning assigned in Section 5.001(2) of the Texas Education Code:

Classroom teacher means an educator who is employed by a school district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technology instructional setting.

The language of the bill goes further though and, as codified in Section 48.158(a)(1) of the Texas Education Code, extends the standard definition of “classroom teacher” to cover an uncertified educator:

A person who is not required to hold a certificate issued under Subchapter B, Chapter 21, who otherwise meets the definition of classroom teacher under Section 5.001.

Therefore, the statute seems clear that even an uncertified teacher who teaches for an average of four hours or more each day in an academic instructional setting or a career and technology instructional setting can qualify for the Teacher Retention Allotment if otherwise not required to hold a teaching certification. Would that include uncertified teachers who hold their positions under a District of Innovation Plan that has exempted the school district from normal certification

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requirements? Or does it include all uncertified teachers who otherwise meet the “classroom teacher” definition?

The TEA guidance also ties the calculation of years of teaching experience under Section 48.158(b) to the *Commissioner’s Rules on Creditable Years of Service* found at 19 Tex. Admin. Code § 153.1021:

To determine which classroom teachers generate funding for pay increases based on years of experience, school systems should use total years of experience, which is calculated based on the number of verifiable years of creditable experience specified in 19 TAC, Chapter 153.1021.

For a teacher in a traditional public school in Texas—as opposed to a charter school or private school—the service credit rules normally require the teacher to be certified for the position before a year of service credit for salary purposes is recognized. See 19 Tex. Admin. Code § 153.1021 (h)(1). Because the focus of the TEA guidance on years of certified teaching experience appears to contradict House Bill 2’s eligibility lenience for uncertified teachers when it comes to the Teacher Retention Allotment, how can a school district reconcile this contradiction? One possible solution would be for TEA guidance to tie the “years of experience” count directly to the specific provision in the service credit rules at 19 Tex. Admin. Code § 153.1021 (f), which more narrowly address the threshold of teacher workdays required per school year for a teacher to obtain a year of service credit for salary purposes. As an example, beginning with the school year 1998-99, the threshold for service credit in most instances is 90 days at 100% of the day or 180 days at 50% of the day. A school district could then use this service credit threshold for both certified and uncertified teachers when it comes to counting years of experience solely for the purpose of the Teacher Retention Allotment.

As the guidance currently exists, it appears to suggest that an uncertified teacher with three years of “classroom teaching” experience in a traditional public school in Texas—perhaps under a District of Innovation plan that does not require certification—would not qualify for the Teacher Retention Allotment because uncertified teaching experience does not count toward service credit under 19 Tex. Admin. Code § 153.1021. But that result contradicts the House Bill 2 eligibility inclusion for an uncertified teacher.

2. More Clarification on the Ineligibility of the Employee in a Centralized Supervisory Role

House Bill 2, as codified in Section 48.1581(a)(2) of the Texas Education Code, states that certain positions are ineligible for the Support Staff Retention Allotment, including superintendent, chief executive officer, assistant superintendent, principal, and assistant principal. The list also includes a general category of ineligibility for “an employee in a centralized supervisory role.” Does TEA plan to issue more specific guidance on which central office employees would be considered to work in a supervisory role for purpose of House Bill 2 and which central office employees would not fit that description? Would key factors be, for example, whether that person makes hiring and/or firing recommendations regarding other employees under their supervision? Or evaluates the

performance of a certain number of other employees? Are there specific job titles that would fall either inside or outside of the “centralized supervisory role”?

3. School District Personnel with Dual or Multiple Roles

Finally, the TEA guidance ties “classroom teacher” eligibility under House Bill 2 to the PEIMS code 087. For school district employees with dual (or multiple) positions, such as a librarian or instructional coordinator who, in addition to other duties, actually teaches in an academic or CTE instructional setting for at least an average of four hours per [day], would a PEIMS code of 087 for at least half of the workday be sufficient to qualify that employee for the Teacher Retention Allotment under the definition of “Classroom Teacher”? Even if the employee is not categorized with a PEIMS code of 087 but still meets the definition of “classroom teacher,” could that employee still qualify for the Teacher Retention Allotment?

We realize House Bill 2 is brand-new legislation and TEA is working diligently to provide guidance to Texas schools and their employees regarding what to expect from the increase in teacher and support staff pay. We would appreciate further guidance on the three issues above when the Agency has the opportunity to address the questions raised so that we can provide accurate and timely information to ATPE members about their potential qualification for the salary increases and what to expect during the 2025-26 school year, which is fast approaching.

Thank you for your consideration.

Sincerely yours,



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