



Testimony Opposing SB 2330

Relating to the use of payroll deduction
for certain public employees

April 1, 2025

The **Association of Texas Professional Educators (ATPE)** offers the following testimony in opposition to **Senate Bill (SB) 2330** by Sen. Tan Parker.

SB 2330 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. Payroll deduction allows educators to easily and safely pay 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.

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.

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.

This type of "dues checkoff" legislation proposed in SB 2330 has been pushed in other states for one reason: politics. However, the idea that any public employee is being coerced to join an organization that does not represent the employee's views has always been a nonstarter in proudly right-to-work Texas. Plus, the U.S. Supreme Court eliminated forced payment of "agency fees" to unions in the 2018 *Janus v. AFSCME* case. An educator who joins ATPE or another professional association or union does so completely of their own free will and through their own paycheck.

With the argument that educators need protection from coercion laid to rest, proponents have largely turned to the rationale that taxpayers should not foot the cost for the government to facilitate payroll deduction for specific entities. However, that rationale also falls flat. Arguing that a subset of public employees should be banned from using payroll deduction for certain payments is akin to calling out a subset of private businesses based on not liking what they have to sell and telling them they cannot use taxpayer-financed public roads to get their employees to work or their goods to market. Barring those businesses from using the public roads would neither negate the need for the roads nor make the roads cost taxpayers any less. Likewise, barring employees from using payroll deduction to pay professional organization dues will not negate the need for their employers to pay for payroll solutions that offer the ability to do payroll deductions. Those systems will not cost any less because their use has been limited in this one way.

While there is effectively little to no cost associated with school districts' processing of voluntary payroll deductions, there is already a provision in state law protecting taxpayers in the event of such a cost. Under Section §22.001(c) of the Texas Education Code, a school district may charge an administrative fee for making the payroll deduction. Thus, allowing payroll deduction for employees' professional association dues creates no undue burden or cost to the school district or taxpayers.

Finally, SB 2330 and similar legislation raise serious constitutional concerns:

- There is constitutional scrutiny when the government allows payroll deduction for some purposes but prohibits it for others.

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- The government must show that there is a rational basis for the distinctions. A rational basis can only be shown if there is a legitimate purpose in the distinctions.
- Viewpoint suppression is not a legitimate purpose and therefore cannot form a rational basis for a distinction between entities.
- The current prohibition on collective bargaining in Texas public education limits the danger of internal strife between labor organizations and their members and therefore removes elimination of strife as a rational basis for the prohibition.
- The general lack of deduction processing cost, paired with current law allowing districts to pass on any such cost to the employee association, removes cost concern as a rational basis for the prohibition.

Accordingly, there is no constitutionally rational basis for this bill.

ATPE urges you to oppose SB 2330. 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.