

Item 5:
Adoption of Proposed Amendments to 19 TAC Chapter 234,
Military Service Members, Military Spouses, and Military
Veterans

DISCUSSION AND ACTION

SUMMARY: This item provides the State Board for Educator Certification (SBEC) an opportunity to adopt, subject to State Board of Education (SBOE) review, the proposed amendments to 19 Texas Administrative Code (TAC) Chapter 234, Military Service Members, Military Spouses, and Military Veterans. The proposed amendments would add language specific to the Servicemembers Civil Relief Act (SCRA), allowing the portability of licenses for active-duty military service members or the spouse of a military service member, and would provide technical edits to clarify existing language, alphabetize definitions, and remove duplicative language where necessary. The proposed amendments, if adopted, would expand the number of individuals eligible to become certified educators in Texas. No changes are recommended since published as proposed, but additional changes may be recommended at the time of the meeting based on public comment.

STATUTORY AUTHORITY: The statutory authority for 19 TAC Chapter 234 is the Texas Education Code (TEC), §§21.041(b)(2) and (4); 21.044(a); 21.0444, 21.052(b-1), (c), (d-1), (f), and (i); 21.0525, 21.054; and 21.458(a-2), and Texas Occupations Code (TOC), §§55.001; 55.002; 55.003; 55.004(a)-(c); 55.004(d), 55.0041, 55.005(a), 55.006; 55.007; 55.008; 55.009; and 55.010.

TEC, §21.041(b)(2), requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates.

TEC, §21.041(b)(4), requires the SBEC to propose rules that specify the requirements for the issuance and renewal of an educator certificate.

TEC, §21.044(a), requires the SBEC to propose rules establishing training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program.

TEC, §21.0444, requires the SBEC to propose rules for issuing a temporary certification to teach career and technology education for certain military service members and first responders.

TEC, §21.052(b-1), requires the SBEC to propose rules to establish procedures to establish residency and expedite processing of certification applications submitted by a military veteran or military spouse.

TEC, §21.052(c), states the SBEC can specify the term of a temporary certificate issued under this subsection.

TEC, §21.052(d-1), requires the SBEC to issue a three-year temporary certificate to eligible military spouses of active-duty service members.

TEC, §21.052(f), requires the SBEC to maintain an Internet website that outlines the procedures for military community members to obtain certification in Texas.

TEC, §21.052(i), defines active-duty service, lists the branches of the United States armed forces, and confirms the members of the military community eligible for processes established to certify educators from outside the state.

TEC, §21.0525, requires the SBEC to propose rules for issuing a temporary teaching certificate for certain persons with experience as instructors for the Community College of the Air Force.

TEC, §21.054, requires the SBEC to propose rules establishing a process for identifying continuing education courses and programs that fulfill educators' continuing education requirements.

TEC, §21.458(a-2), specifies that a school district shall assign a mentor teacher to a classroom teacher who has been issued a temporary certificate to teach career and technology education under TEC, §21.0444, for at least two years.

TOC, §55.001, defines key terms and identifies the individuals relevant to the processing and support of members of the military community.

TOC, §55.002, provides clarification and guidelines for implementing fee exemptions for members of the military community.

TOC, §55.003, states military service members are eligible to receive a two-year extension of time to complete requirements for license renewal.

TOC, §55.004(a)-(c), requires state agencies to adopt rules for issuance of licensure to members of the military community and provides alternatives to become eligible for licensure.

TOC, §55.004(d), requires state agencies to adopt rules to allow military service members and military spouses to meet the residency requirements for licensure.

TOC, §55.0041, requires state agencies to establish a process to identify jurisdictions that have licensing requirements that are substantially equivalent to the requirements for the license in this state and to verify that the member or spouse is licensed in good standing in such a jurisdiction.

TOC, §55.005(a), requires a state agency that issues a license must do so no later than 30 days following the date that a military service member, military veteran, or military spouse applies for licensure.

TOC, §55.006, requires state agencies to determine renewal requirements for expedited licenses issued to members of the military community.

TOC, §55.007, requires state agencies credit verified military service, training, or education toward licensing requirements.

TOC, §55.008, requires state agencies to credit verified relevant military service, training, or education relevant to the occupation toward the apprenticeship requirements for licensure.

TOC, §55.009, confirms state agencies that issue licensure shall waive license application and examination fees paid to the state for applicable members of the military community.

TOC, §55.010, requires state agencies to prominently post notification of licensure provisions for military service members, military veterans, and military spouses on the home page of the agency's website.

EFFECTIVE DATE: The proposed effective date would be March 11, 2025 (20 days after filing as adopted with the *Texas Register*). The proposed effective date is based on the SBEC and SBOE meeting schedules.

PREVIOUS BOARD ACTION: At the September 19-20, 2024 meeting, the SBEC voted to approve the proposed amendment to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans, to be published in the *Texas Register* as proposed rules.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 234 consolidate all military-related provisions into one chapter for all members of the military community (i.e., military service members, military spouses, and military veterans) and related individuals subject to these provisions through statute (military veterans, peace officers, fire protection personnel, emergency medical services personnel, and qualified instructors for the Community College of the Air Force).

At the July 2024 SBEC meeting, Texas Education Agency (TEA) staff provided the board with an overview of the provisions of the chapter as well as proposed technical edits to alphabetize, re-number, and strike duplicative information. TEA staff also discussed the addition of language added to the SCRA by the U.S. Congress to allow service members and the spouses of military service members to use their professional licenses and certificates when they relocate due to military orders.

The following is a description of the proposed amendments reflected in Attachment I.

§234.1. Purpose.

The proposed amendment to 19 TAC §234.1 would incorporate technical edits and add new subsection (c) related to the SCRA to incorporate the federally mandated Veterans Auto and Education Improvement Act of 2022 (H.R. 7939), which allows a military service member or the spouse of a military service member to use their license and certificates in certain circumstances when they relocate to another state due to military orders.

§234.3. Definitions.

The proposed amendment to 19 TAC §234.3 would alphabetize and re-number definitions relevant to effective implementation of this chapter. No changes to the text of the definitions are proposed.

§234.5. Certification of Military Service Members, Military Spouses, and Military Veterans.

The proposed amendment to 19 TAC §234.5 would make the following technical edits for clarification: in subsection (b), would add the phrase “*Following completion of the review of credentials,*”; would strike the phrase “*As soon as practicable after the issuance of a one-year certificate*”; would strike the phrase “*in writing or by email*” to more accurately reflect the current process of placing the results of an educator’s credentials review in his or her online certification account for access and review; would add text to include the temporary certificate; and would strike subsection (c) because it is duplicative and re-letter the subsequent subsections.

§234.7. *Renewal and Continuing Education Requirements for Military Service Members, Military Spouses, and Military Veterans.*

The proposed amendment to 19 TAC §234.7 would strike subsection (d) since there is not a time limit imposed on any individual related to certificate renewal.

FISCAL IMPACT: No changes have been made to this section since published as proposed. Jessica McLoughlin, associate commissioner for educator preparation, certification, and enforcement, has determined that for the first five years the proposal is in effect, there is no additional fiscal impact on state or local governments and that there are no additional costs to entities required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: No changes have been made to this section since published as proposed. The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code (TGC), §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: No changes have been made to this section since published as proposed. The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in TGC, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: No changes have been made to this section since published as proposed. 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 TGC, §2001.0045.

TAKINGS IMPACT ASSESSMENT: No changes have been made to this section since published as proposed. The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under TGC, §2007.043.

GOVERNMENT GROWTH IMPACT: No changes have been made to this section since published as proposed. 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 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 create a new regulation; would not expand, limit, or repeal 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: No changes have been made to this section since published as proposed. Jessica McLoughlin, associate commissioner for educator preparation, certification, and enforcement, has determined that for the first five years the proposal is in effect, the public benefit anticipated would be clear and better organized rules regarding military service members, military spouses, military veterans, and first responders. There is no anticipated cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: No changes have been made to this section since published as proposed. The proposal would have no new data and reporting impact.

ENVIRONMENTAL IMPACT: No changes have been made to this section since published as proposed. The proposal does not require an environmental impact analysis because the proposal does not include major environmental rules under TGC, §2001.0225.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: No changes have been made to this section since published as proposed. TEA staff has determined the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal began October 18, 2024, and ended November 18, 2024. Any comments received will be provided to the SBEC under separate cover prior to the December 2024 meeting. The SBEC will also take registered oral and written comments on the proposal during the December 2024 meeting's public comment period in accordance with the SBEC board operating policies and procedures.

MOTION TO BE CONSIDERED:

Approve for adoption, subject to State Board of Education review, the proposed amendments to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans, as presented, with an effective date of 20 days after filing the adoption notice with the *Texas Register*.

Staff Member Responsible:

Trenton Law, Director, Educator Credentialing, Educator Preparation and Certification

Attachments:

- I. Text of Proposed Amendments to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans
- II. U.S. Department of Justice Notification Letter – Subject: Professional License Portability for Servicemembers and Their Spouses

ATTACHMENT I
Text of Proposed Amendments to 19 TAC

Chapter 234. Military Service Members, Military Spouses, and Military Veterans

§234.1. Purpose.

- (a) The purpose of identifying military service members, military spouses, and military veterans is to establish a process to count applicable military service for timely admission into educator preparation programs, expedite the completion of certification credential reviews, support certification examination and licensure application fee exemptions as applicable, and support certification renewal of members of the military community.
- (b) Effective September 1, 2023, in support of House Bill 621 and Senate Bill 544 [legislation] passed by the 88th Texas Legislature, Regular Session, 2023, this chapter has been updated to include military veterans, peace officers, fire protection personnel, emergency medical services personnel, who meet the qualifications outlined in this chapter to be issued a three-year temporary certificate to be placed in a career and technology education assignment, and to include qualified instructors for the Community College of the Air Force to be issued a one-year temporary certificate upon enrollment in a Texas-approved educator preparation program.
- (c) Effective January 5, 2023, Title 50--War and National Defense, Chapter 50--Servicemembers Civil Relief, Subchapter VII-Further Relief, was amended to add Section 4025a, which states in any case in which a servicemember or the spouse of a servicemember has a covered license and such servicemember or spouse relocates his or her residency because of military orders for military service to a location that is not in the jurisdiction of the licensing authority that issued the covered license, such covered license shall be considered valid at a similar scope of practice and in the discipline applied for in the jurisdiction of such new residency for the duration of such military orders. The servicemember's or spouse's covered license or certificate must be in good standing with the licensing authority that issued such professional license or certificate and has been actively used during the two years immediately preceding the relocation. Requirements to have a specific number of years of experience in roles other than classroom teacher do not apply to applicants eligible for certification via provisions of the Servicemembers Civil Relief Act.
- (d) ~~(e)~~ In the event of conflict with any other rule in the Texas Administrative Code, Title 19, Part 7, this chapter shall supersede with regard to the certification of military service members, military spouses, and military veterans.

§234.3. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Active duty--Current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by the Texas Government Code (TGC), §437.001, or similar military service of another state.
- (2) Armed forces of the United States--The army, navy, air force, space force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.
- (3) Emergency medical services personnel--As defined by Health and Safety Code, §773.003.
- (4) Fire protection personnel--As defined by TGC, §419.021.
- (5) License--A license, certificate, registration, permit, or other form of authorization required by law or a state agency rule that must be obtained by an individual to engage in a particular business, occupation, or profession.
- (6) ~~(1)~~ Military service member--A person who is on active duty.
- (7) ~~(2)~~ Military spouse--A person who is married to a military service member.

- (8) ~~[(4)]~~ Military veteran--A person who has served on active duty and who was discharged or released from active duty.
- ~~[(4) — Active duty — Current full time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by the Texas Government Code (TGC), §437.001, or similar military service of another state.]~~
- ~~[(5) — Armed forces of the United States — The army, navy, air force, space force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.]~~
- ~~[(6) — Permanent change of station order — United States armed forces active duty member document ordering a permanent change of station.]~~
- ~~[(7) — Texas Education Agency staff — an employee of the Texas Education Agency (TEA) who performs administrative functions on behalf of the State Board for Educator Certification.]~~
- ~~[(8) — Review of credentials — the licensure process completed by TEA staff for individuals certified to teach in other states or countries as specified in Chapter 230, Subchapter H, of this title (relating to Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States) and Chapter 245 of this title (relating to Certification of Educators from Other Countries).]~~
- (9) Peace officer--As ~~[as]~~ defined by Texas Code of Criminal Procedure, Article 2.12.
- ~~[(10) — Permanent change of station order--United States armed forces active duty member document ordering a permanent change of station.]~~
- ~~[(10) — Fire protection personnel — as defined by TGC, §419.021.]~~
- ~~[(11) — Review of credentials--The licensure process completed by Texas Education Agency (TEA) staff for individuals certified to teach in other states or countries as specified in Chapter 230, Subchapter H, of this title (relating to Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States) and Chapter 245 of this title (relating to Certification of Educators from Other Countries).]~~
- ~~[(11) — Emergency medical services personnel — as defined by Health and Safety Code, §773.003.]~~
- ~~[(12) — License — a license, certificate, registration, permit, or other form of authorization required by law or a state agency rule that must be obtained by an individual to engage in a particular business, occupation, or profession.]~~
- (12) ~~[(13)]~~ State agency--A ~~[a]~~ department, board, bureau, commission, committee, division, office, council, or agency of the state.
- ~~[(13) — Texas Education Agency staff--An employee of TEA who performs administrative functions on behalf of the State Board for Educator Certification.]~~

§234.5. Certification of Military Service Members, Military Spouses, and Military Veterans.

- (a) The application for certification of a military service member, military veteran, or military spouse, including an application based upon certification by a jurisdiction other than Texas that has certification requirements substantially similar to the Texas certification requirements, shall be processed within 30 days of receipt of a complete application.
- (b) Following completion of the review of credentials, ~~[As soon as practicable after the issuance of a one year certificate,]~~ Texas Education Agency (TEA) staff shall notify a military service member, a military spouse, and/or ~~[and]~~ a military veteran ~~[, in writing or by email,]~~ of the requirements for obtaining temporary and ~~[a]~~ standard Texas ~~[certificate]~~ certificates.
- ~~[(c) — A military spouse who has been issued a one year certificate prior to September 1, 2017, under the provisions of this chapter, is eligible for two additional years from the date of issuance, not to exceed a total of three years maximum, to align with provisions for a military spouse referenced in subsection (d) of this section.]~~

- (c) ~~(d)~~ Effective September 1, 2017, a military spouse shall be issued a three-year temporary certificate upon completion of the review of credentials.
- (d) ~~(e)~~ Effective December 1, 2019, prior to beginning employment, a military spouse must declare his or her intent to teach in Texas with a license issued by another state department of education, by submitting an application and required documents for a review of credentials to the TEA and completing the criminal background check. TEA staff must provide approval for the military spouse to teach in Texas a maximum of three years with credentials issued by another state.
- (e) ~~(f)~~ Effective December 1, 2023, a military service member shall be issued a three-year temporary certificate upon completion of the review of credentials, or, prior to beginning employment, a military service member must declare his or her intent to teach in Texas with a license issued by another state department of education, by submitting an application and required documents for a review of credentials to the TEA and completing the criminal background check. TEA staff must provide approval for the military service member to teach in Texas a maximum of three years with credentials issued by another state.
- (f) ~~(g)~~ A military service member, a military veteran, or a military spouse shall be entitled to credit verified military service, training, clinical and professional experience, or education toward the training, education, work experience, or related requirements (other than certification examinations) for educator certification. TEA staff and educator preparation programs (EPPs) shall use information from the U.S. Department of Veterans Affairs or other reliable sources to assist in crediting applicable military service, training, or education to certification requirements.
- (g) ~~(h)~~ A military service member pursuing certification in career and technical education must meet requirements for the certificate, but for career and technical education certificate areas requiring experience and licensure, the military service member shall be entitled to substitute military experience in the trade for the required license or professional credential for the specific trade.
- (h) ~~(i)~~ A military service member, military spouse, and military veteran shall complete educator examination requirements for certificate issuance as outlined in Texas Education Code, Chapter 21, Subchapter B, and rules in the Texas Administrative Code, Title 19, Part 7, or qualify for an exemption from required Texas examinations through provisions in §152.1001 of Part 2 of this title (relating to Exceptions to Examination Requirements for Individuals Certified Outside the State).
- (i) ~~(j)~~ A military service member and a military veteran are exempt from certification application fees that are paid to the state that lead to initial certification. These members of the military community are exempt from paying the portion of the examination registration fee that is paid to the TEA.
- (j) ~~(k)~~ A military service member and a military veteran are exempt from certification application fees that are paid to the state that lead to initial certification resulting from a review of credentials, one-year certificate, or out-of-state standard certificate. These members of the military community are exempt from paying the portion of the examination registration fee that is paid to the TEA.
- (k) ~~(l)~~ A military spouse is exempt from certification application fees that are paid to the state that lead to initial certification resulting from a review of credentials, three-year temporary certificate, or out-of-state standard certificate. This member of the military community is exempt from paying the portion of the examination registration fee that is paid to the TEA.
- (l) ~~(m)~~ As applicable to meet residency requirements and establish acceptable identification for military-related fee exemption and other provisions, a military service member, military spouse, or military veteran can submit a copy of the permanent change of station order for the military service member, military spouse, or military veteran.

§234.7. Renewal and Continuing Education Requirements for Military Service Members, Military Spouses, and Military Veterans.

- (a) Military service members, military spouses, and military veterans who hold a standard certificate(s) are responsible for certificate renewal and continuing professional education requirements pursuant to Chapter 232 of this title (relating to General Certification Provisions), except where specified in this chapter.

- (b) A military service member shall be exempted from any fee or penalty for failing to timely renew his or her Texas educator certificate if the delay occurred because the educator was serving as a military service member.
- (c) A military service member is entitled to two years of additional time to complete all continuing education requirements and any other requirements relating to the renewal of his or her Texas educator certificate.
- ~~[(d) The standard Texas certificate of a military service member, military spouse, or military veteran may be renewed if that certificate has expired within five years preceding the Texas application date.]~~



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

NOTIFICATION LETTER

ATTENTION: State Licensing Authorities
DATE: July 13, 2023
SUBJECT: Professional License Portability for Servicemembers and Their Spouses

Introduction

The Department of Justice’s Civil Rights Division is issuing this letter to notify State Licensing Authorities of a new provision in the Servicemembers Civil Relief Act (SCRA) about the portability of professional licenses for servicemembers and their spouses.

Servicemembers bear great burdens to protect and advance our democracy. Likewise, the families of these dedicated military professionals often make sacrifices on our behalf and face frequent moves, child-care challenges, and interruptions or barriers to employment. Military families most often relocate through a process formally known as “Permanent Change of Station” (PCS) moves. According to the 2021 Department of Defense Survey of Active Duty Spouses, 48% of respondents stated that finding employment was one of the most critical problems they experienced during PCS moves.¹ Military spouses specifically reported difficulty transferring their professional licenses or certificates from one location to another, which often hinders their ability to find jobs in the new locations. The survey also notes that the unemployment rate for military spouses was 21% and that unemployed spouses actively seeking work spent an average of 19 weeks looking for employment.²

The SCRA provides servicemembers and their dependents with certain financial and due process protections during military service.³ On January 5, 2023, President Joseph Biden signed the Veterans Auto and Education Improvement Act of 2022 (H.R. 7939) into law.⁴ This law amends the SCRA by adding a new section called “Portability of Professional Licenses of Servicemembers and their Spouses.”⁵ We request that you carefully review the information in this letter and evaluate your practices to ensure compliance with this new federal law.

¹ [2021 DOD Survey of Active Duty Spouses \(militaryonesource.mil\)](https://www.militaryonesource.mil/).

² *Id.*

³ See Title 50 U.S. Code, Sections 3901-4043.

⁴ [H.R.7939, 117th Congress \(2021-2022\): Veterans Auto and Education Improvement Act of 2022](https://www.congress.gov/bills/117/7939).

⁵ See 50 U.S.C. § 4025a; Pub. L. 117-333.

Professional License Portability for Servicemembers and Their Spouses

Overview of the New Law on Professional License Portability

This new SCRA provision allows servicemembers and their spouses to use their professional licenses and certificates in certain circumstances when they must relocate due to military orders.⁶ For a license to be considered valid in a new location, a servicemember or their spouse must satisfy the following five criteria:

1. Have moved to a location outside the jurisdiction of the licensing authority that issued the covered license or certificate because of orders for military service;
2. Provide a copy of the military orders to the licensing authority in the new jurisdiction;
3. Have actively used the license or certificate during the two years immediately preceding the move;
4. Remain in good standing with:
 - a. the licensing authority that issued the covered license or certificate; and
 - b. every other licensing authority that issued a license or certificate valid for a similar scope of practice and in the discipline applied for in the new jurisdiction; and
5. Submit to the authority of the licensing authority in the new jurisdiction for the purposes of standards of practice, discipline, and fulfillment of any continuing education requirements.⁷

If these five criteria are met, the servicemember or their spouse's covered license or certificate "***shall be considered valid*** at a similar scope of practice and in the discipline applied for in the [new] jurisdiction" for the duration of military orders.⁸

The New Law's Impact on Interstate Licensure Compacts

Some states are members of interstate licensure compacts, which allow licensed practitioners to work in other compact-member states without needing a new license or certificate. Where a servicemember or their spouse is relocating from one state to another state involved in the same interstate licensure compact, the rules of that interstate compact (instead of the new SCRA provision) apply to the covered license at issue.⁹

If, however, a servicemember or their spouse has a license or certificate issued by a state involved in an interstate licensure compact, but is relocating to a state not involved in the same interstate compact, the new SCRA provision applies. Additionally, if a servicemember or their spouse has a license not covered by any interstate licensure compact, the new SCRA provision applies.¹⁰

⁶ The only professional license excluded from portability under the new SCRA provision are licenses to practice law. *See* 50 U.S.C. § 4025a(c)(3).

⁷ *See* 50 U.S.C. § 4025a.

⁸ *See* 50 U.S.C. § 4025a(a) (emphasis added).

⁹ *See* 50 U.S.C. § 4025a(b).

¹⁰ *See* 50 U.S.C. § 4025a(a)-(b) (emphasis added).

Professional License Portability for Servicemembers and Their Spouses

Effective Date of the New Law

This new part of the SCRA—Portability of Professional Licenses of Servicemembers and their Spouses—went into effect on January 5, 2023, when President Biden signed the bill into law. Servicemembers and their spouses can now take advantage of this benefit under the SCRA.

Enforcement Authority for the New Law

Congress has provided the Attorney General with enforcement authority under the SCRA, which includes this provision regarding the portability of professional licenses and certificates. Specifically, this authority has been delegated to the Civil Rights Division, and authorized lawsuits in federal district court against those who engage in (1) a pattern or practice of violations; or (2) violations that raise issues of significant public importance.¹¹

The Civil Rights Division is proud of its work to enforce the SCRA and support servicemembers and their families. Since 2011, the Justice Department has obtained over \$480 million in monetary relief for over 147,000 servicemembers under the SCRA on issues involving lease termination, foreclosures, vehicle repossessions, interest rate benefits, and default judgments, among others. We appreciate your efforts in ensuring compliance with this new provision of the SCRA that is designed to support military families.¹²

Additional Resources

You can find additional information about the SCRA, professional licensure, and interstate licensure compacts through the following links:

- *Justice Department's Servicemembers & Veterans Initiative* – www.servicemembers.gov
- *Resource on Licenses Sponsored by the Department of Labor* – [License Finder | CareerOneStop](#)
- *Department of Defense Resource on Interstate Licensure Compacts & Other Issues* – [About Defense-State Liaison Office | Military State Policy \(militaryonesource.mil\)](#)

In addition, you can refer servicemembers and their families seeking information about their rights under this new law (or any section of the SCRA) to the follow resources:

- *Justice Department's Servicemembers & Veterans Initiative* – www.servicemembers.gov
- *Military Legal Assistance* – <http://legalassistance.law.af.mil/>

¹¹ See 50 U.S.C. § 4041(a).

¹² This notification letter is intended to inform State Licensing Authorities about the enactment of this new SCRA provision. The contents of this document do not have the force and effect of law and are not meant to bind the public or State Licensing Authorities in any way or to create any enforceable legal rights. This notification letter does not determine the outcome in any particular case or set of facts. In any investigation under the SCRA, the Civil Rights Division makes enforcement decisions based on the facts of that particular case.

Professional License Portability for Servicemembers and Their Spouses

If servicemembers or their spouses are not eligible for military legal assistance services, they may request that the Justice Department review their claim by submitting a complaint through <https://civilrights.justice.gov/link/4025A>.

Conclusion

The SCRA provides important legal protections for our military families who do so much for our country. We hope that this new law eases some of the significant burden that constant moves around the country can create. The Justice Department appreciates your assistance in ensuring that the rights of our Nation's servicemembers and their families are safeguarded.

Sincerely,



Kristen Clarke
Assistant Attorney General
Civil Rights Division
U.S. Department of Justice