

**Item 17:****Discussion of Proposed Amendment to 19 TAC Chapter 234,  
Military Service Members, Military Spouses, and Military  
Veterans****DISCUSSION**

**SUMMARY:** This item provides the State Board for Educator Certification (SBEC) an opportunity to discuss proposed amendment to 19 Texas Administrative Code (TAC) Chapter 234, Military Service Members, Military Spouses, and Military Veterans. The proposed amendment 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; would alphabetize and renumber definitions; would provide technical edits to clarify existing language; and would remove duplicative language and re-alphabetize where necessary.

**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, as added by HB 621, 88th Texas Legislature, Regular Session, 2023; 21.052(b-1), (c), (d-1), (f), and (i); 21.0525, as added by SB 544, 88th Texas Legislature, Regular Session, 2023; 21.054; and 21.458(a-2), as added by HB 621, 88th Texas Legislature, Regular Session, 2023; and Texas Occupations Code (TOC), §§55.001; 55.002; 55.003; 55.004(a)-(c); 55.004(d), as amended by SB 422, 88th Texas Legislature, Regular Session, 2023; 55.0041, as amended by SB 422, 88th Texas Legislature, Regular Session, 2023; 55.005(a), as amended by SB 422, 88th Texas Legislature, Regular Session, 2023; 55.005(b); 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, as added by HB 621, 88th Texas Legislature, Regular Session, 2023, creates a temporary certification to teach career and technology education for certain military service members and first responders and requires the SBEC to propose rules for certificate issuance.

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, as added by SB 544, 88th Texas Legislature, Regular Session, 2023, creates a temporary teaching certificate for certain persons with experience as instructors for the Community College of the Air Force and requires the SBEC to propose rules for certificate issuance.

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), as added by HB 621, 88th Texas Legislature, Regular Session, 2023, 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, 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), as amended by SB 422, 88th Texas Legislature, Regular Session, 2023, requires state agencies to adopt rules to allow military service members to use the same options as military spouses to meet the residency and other state-specific requirements for licensure.

TOC, §55.0041, as amended by SB 422, 88th Texas Legislature, Regular Session, 2023, updates the section title to add military service members and include them in all related provisions addressed by this section.

TOC, §55.005(a), as amended by SB 422, 88th Texas Legislature, Regular Session, 2023, specifies that 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, §55.005, requires state agencies to establish a process to expedite applications for licensure submitted by members of the military community.

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

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

TOC, §55.008, authorizes 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.

The full text of statutory citations can be found in the statutory authority section of this agenda.

**FUTURE ACTION EXPECTED:** Texas Education Agency (TEA) staff will present proposed changes to 19 TAC Chapter 234, Military Service Members, Military Spouses, and Military Veterans, for consideration and action at the September 2024 SBEC meeting.

**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).

The rules currently in effect in 19 TAC Chapter 234 are shown in the attachment.

#### §234.1. Purpose.

The proposed amendment to 19 TAC §234.1 would add text to specify House Bill (HB) 621 and Senate Bill (SB) 544 passed by the 88th Texas Legislature, Regular Session, 2023; and would add new subsection (c) related to the Servicemembers Civil Relief Act (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 rule chapter.

#### §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 one-year certificate; and would strike the duplicative information in subsection (c) 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.

**PUBLIC AND STUDENT BENEFIT:** The public and student benefit anticipated as a result of the proposed revisions to 19 TAC Chapter 234, would be clear and better organized rules regarding military service members, military spouses, military veterans, and first responders.

**Staff Member Responsible:**

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

**Attachments:**

- I. Text of 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**  
**Text of Proposed Revisions 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 service member'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, §437.001, or similar military service of another state.
- (2) Armed forces of the United States--The army, navy, air 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) Military service member--A person who is on active duty.
- (7) Military spouse--A person who is married to a military service member.

- (8) Military veteran--A person who has served on active duty and who was discharged or released from active duty.
- (9) Peace officer--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.
- (11) 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).
- (12) State agency--a department, board, bureau, commission, committee, division, office, council, or agency of the state.
- (13) 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.
- ~~(1) Military service member--A person who is on active duty.~~
- ~~(2) Military spouse--A person who is married to a military service member.~~
- ~~(3) 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, §437.001, or similar military service of another state.~~
- ~~(5) Armed forces of the United States--The army, navy, air 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 defined by Texas Code of Criminal Procedure, Article 2.12.~~
- ~~(10) Fire protection personnel--as defined by TGC, §419.021.~~
- ~~(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.~~
- ~~(13) State agency--a department, board, bureau, commission, committee, division, office, council, or agency of the state.~~

#### **§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 a military veteran ~~[, in writing or by email,]~~ of the requirements for obtaining ~~[a] one-year and standard~~ Texas 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.

**§234.6. Review of Credentials and Issuance of Licensure to Military Service Members, Military Spouses, and Military Veterans.**

- (a) To complete a review of credentials leading to issuance of licensure in Texas, each military service member, military veteran, or military spouse must submit an application for review of credentials, copies of standard certificates issued in the other state(s), and official transcripts showing degree(s) conferred and date(s).
- (b) Upon completion of the review, the Texas Education Agency (TEA) will notify each military service member, military veteran, or military spouse, as specified in paragraphs (1)-(3) of this subsection, to provide results of the licensure review and information on next steps in the licensure process as follows.
  - (1) A military service member will receive written results of the credentials review and be issued the Texas standard certificate that aligns with certificate areas issued in other states following confirmation of exemption from or successful completion of required examinations and completion of a criminal background check.
  - (2) A military spouse will receive written results of the credentials review and have the following three options to teach in Texas with:
    - (A) the license issued by another state department of education, confirmed by TEA to be in good standing;
    - (B) the Texas temporary three-year certificate already available under provisions in §234.5(d) of this title (relating to Certification of Military Service Members, Military Spouses, and Military Veterans); and
    - (C) the Texas standard certificate eligible for issuance immediately following a successful review of credentials by TEA, confirmation of exemption from or successful completion of required examinations, and completion of a criminal background check.
  - (3) A military veteran will receive written results of the credentials review and be issued the Texas standard certificate that aligns with certificate areas issued in other states following confirmation of exemption from or successful completion of required examinations and completion of a criminal background check.
- (c) A change in the marital status of a military spouse does not impact the provisions specified in subsection (b)(2)(A) and (B) of this section.

**§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.~~



**§234.9. Certification of Military Veterans, Peace Officers, Fire Protection Personnel, and Emergency Medical Services Personnel.**

- (a) Effective September 1, 2023, military veterans, peace officers, fire protection personnel, and emergency medical services personnel as defined in §234.3 of this title (relating to Definitions) shall be issued a one-time, nonrenewable, three-year temporary certificate for career and technology education if they meet the following:
- (1) has served in the armed forces of the United States and was honorably discharged, retired, or released from active duty; or
  - (2) has served as a first responder and, while in good standing not because of pending or final disciplinary actions or a documented performance problem, retired, resigned, or separated from employment as a first responder; and
    - (A) has an associate degree from an accredited institution of higher education and 48 months of active duty military service or service as a first responder; or
    - (B) a bachelor's degree, which includes 60 semester credit hours completed at a public or private institution of higher education with a minimum grade point average of at least 2.50 on a four-point scale and military service or service as a first responder.
- (b) 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 Texas Education Code (TEC), §21.0444, for at least two school years. A teacher assigned as a mentor must:
- (1) to the extent practicable, teach in the same school;
  - (2) to the extent practicable, teach the same subject or grade level, as applicable; and
  - (3) meet the qualifications prescribed by commissioner of education rules adopted under TEC, §21.458(b), or §153.1011 of Part 2 of this title (relating to Mentor Program Allotment).
- (c) An individual who meets the qualifications specified in subsection (a) of this section and who is interested in obtaining the three-year, nonrenewable temporary certificate, may submit the following items to the Texas Education Agency staff:
- (1) a completed application;
  - (2) verification of military veteran status or licensure as a peace officer, fire protection services personnel, or emergency medical services personnel; and
  - (3) an official transcript showing degree conferred and conferral date, or successful completion of college coursework.
- (d) A military veteran, peace officer, fire protection personnel, and emergency services personnel must enroll in a Texas-approved educator preparation program to complete requirements for issuance of the standard certificate.

**§234.11. Certification of Full-Time Instructors for the Community College of the Air Force.**

- (a) Effective September 1, 2023, a one-year, temporary certificate may be issued to an individual who served as a full-time instructor for the Community College of the Airforce if he or she meets the following:
- (1) holds a bachelor's degree as defined in §227.10 of this title (relating to Admission Criteria);
  - (2) has at least two semesters' experience as a full-time instructor for the Community College of the Air Force; and
  - (3) is currently enrolled in a Texas-approved educator preparation program.
- (b) An individual who meets the qualifications specified in subsection (a) of this section and is interested in obtaining the one-year temporary certificate, may submit the following items to the Texas Education Agency (TEA) staff:

- (1) a completed application;
  - (2) a copy of credentials to serve as an instructor for the Community College of the Air Force;
  - (3) an official transcript showing degree conferred and conferral date; and
  - (4) verification of at least two semesters' experience as a full-time instructor for the Community College of the Air Force.
- (c) A qualified instructor for the Community College of the Air Force must take and pass all required examinations identified by TEA staff during the review of credentials and must complete any additional requirements specified for issuance of the standard certificate.



**U.S. Department of Justice**

Civil Rights Division

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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

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***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.<sup>1</sup> 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.<sup>2</sup>

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

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

<sup>2</sup> *Id.*

<sup>3</sup> See Title 50 U.S. Code, Sections 3901-4043.

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

<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup>

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.<sup>8</sup>

### *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.<sup>9</sup>

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.<sup>10</sup>

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<sup>6</sup> 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).

<sup>7</sup> *See* 50 U.S.C. § 4025a.

<sup>8</sup> *See* 50 U.S.C. § 4025a(a) (emphasis added).

<sup>9</sup> *See* 50 U.S.C. § 4025a(b).

<sup>10</sup> *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.<sup>11</sup>

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.<sup>12</sup>

### ***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](http://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](http://www.servicemembers.gov)
- *Military Legal Assistance* – <http://legalassistance.law.af.mil/>

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<sup>11</sup> See 50 U.S.C. § 4041(a).

<sup>12</sup> 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