

MEMORANDUM

TO: Kent Carlson and Michael Wishnie, Co-Chairs, Task Force to Study the Use of
MOS Specialty Training as a Substitute for State Licensing Requirements
FROM: Law Student Interns, Veterans Legal Services Clinic, Yale Law School
DATE: November 26, 2013
RE: Spousal Licensing and License Tolling

This memo provides a closer examination of two potential legislative reforms that were identified at the last Task Force meeting: 1) spousal licensing legislation and 2) legislation to suspend license expiration dates while a service member is on active duty. The main conclusions are:

- Military spouses will benefit from spousal licensing legislation. The top three jobs held by military spouses – teacher, nurse, and child-care provider – all require state licenses. Nationally, over a third of all military spouses work in a field that requires a state license.
- In practice, Connecticut already provides for temporary and expedited licensing in many of the occupational fields common among military spouses. The notable outlier in this list is K-12 public school teachers, who are certified by the Department of Education (DOE). The DOE issues one-year interim teaching certificates and testing waivers on a case-by-case basis, but there is no cross-state reciprocity program for the Connecticut teaching certification.
- The Task Force may wish to consider recommending a comprehensive spousal licensing law to capture all occupations, including teachers, and to waive licensing fees for military spouses who have re-located to Connecticut.
- Connecticut law already provides for the automatic renewal of licenses held by active duty military personnel, but the relevant statute excludes licenses issued by the Department of Public Health and the Department of Education. The Task Force may wish to consider recommending an expansion of this statute.

I. Relevance to the Task Force

Enabling license suspension and making military spouses' licenses more mobile are two key ways to support the link between the military and the civilian workforce and to promote civilian employment opportunities in Connecticut for service members and veterans. As of 2013, there are more than 860,000 military spouses in the United States.¹ Ninety-five percent of military spouses are female,² and military spouses move across state lines ten times as often as civilian spouses.³ Between 2007 and 2012, 15.4 percent of military spouses moved each year, compared to just 1.1 percent of civilian spouses.⁴

Given their increased mobility, military spouses often select portable occupations. These occupations tend to require state licenses. For instance, the top three jobs held by military spouses are K-12 teacher, child-care worker, and registered nurse, all of which require a state certification.⁵ In total, an estimated 34 percent of military spouses work in a field that requires

some form of state licensing.⁶ Streamlining the licensing process for military spouses would thus have a significant effect on their ability to participate in the Connecticut labor market.

II. Spousal Licensing Legislation

A. Connecticut Law Related to Military Spouses

Spousal licensing legislation seeks to expedite the licensing process for military spouses who cross state lines with existing occupational certifications. In general, there are three ways to support military spouse career portability:⁷

- 1) Licensing by Endorsement – This process involves automatically recognizing an existing out-of-state license as valid in Connecticut.
- 2) Temporary Licensure – This process allows military spouses with valid out-of-state licenses to receive temporary licenses, typically for a period of several months, while they re-qualify for a Connecticut occupational license.
- 3) Expedited Review – This process accelerates military spouses’ license applications. The licensing process can be accelerated either by prioritizing military spouses’ applications within the relevant agency or by waiving required examinations. Typically, spouses may not work during the expedited review period.

Connecticut uses all three of these licensing approaches.⁸ The state provides license by endorsement for many occupations, including nursing.⁹ In addition, Connecticut offers 120-day temporary licenses for occupations such as physical therapy, and provides for licensing without examination (i.e., expedited review) in fields including speech pathology and dental hygiene. Military OneSource, a Department of Defense (DoD) program that provides information to military families, maintains a list of the Connecticut licenses subject to endorsement, temporary licensure, or expedited review.¹⁰ All of the relevant licenses fall under Title 20 of the Connecticut General Statutes.¹¹

The notable omission in the list of licenses for which Connecticut has some form of cross-state reciprocity is K-12 teaching. While Connecticut has a “Troops to Teachers” program to encourage veterans to become public school teachers,¹² the Department of Education (DOE) does not participate in teaching certification reciprocity programs with any other state.¹³ Instead, out-of-state educators who wish to become certified public school teachers in Connecticut can apply to have the DOE waive some or all of the coursework and testing requirements for a Connecticut teaching certification. The DOE grants such waivers on a case-by-case basis, and waivers for coursework portions of the teaching preparation program do not automatically exempt candidates from the DOE’s testing or experiential requirements.¹⁴

In cases where out-of-state teachers have completed a traditional teaching preparation program but have not taken the Connecticut teaching exam, applicants may apply for a one-year interim teaching certificate, which allows them to teach in Connecticut public schools until they pass the state teaching exam.¹⁵ If an out-of-state teacher has three or more years experience teaching in a single school district, the Department of Education will waive the testing requirement altogether.¹⁶ Thus, depending on how much teaching experience a military spouse entering the state has, she may be eligible either for a one-year interim certificate or for the full waiver of the teaching exam. The cost to take one Connecticut teaching exam is \$125 to \$140.

Depending on the grade level she teaches, a potential Connecticut teacher may be required to take multiple exams. Elementary school teachers, for instance, could be required to take up to three separate teaching exams.

The Connecticut statute governing teaching certification has both permissive and mandatory provisions.¹⁷ The statute permits the State Board of Education to establish licensing requirements and to regulate teacher training.¹⁸ It also encourages teaching candidates to undertake training in bullying, nutrition, and intergroup relations, and requires training in computer and literacy skills, second language learning, standards and test-based instruction, and special education. Finally, the statute requires four semesters of field experience, which may be completed in a nonpublic school.¹⁹

In sum, with the exception of teaching certifications, many Connecticut occupational licenses are already subject to some degree of cross-state reciprocity. However, unlike other states, Connecticut does not have a comprehensive law to streamline licensing for all military spouses.²⁰ In addition, Connecticut may be using processes such as expedited review when less burdensome alternatives, including full licensing by endorsement, would be better for military spouses. In many cases, it may remain difficult for military spouses to obtain Connecticut occupational licenses given the frequency with which military families move across state lines and the range of occupations that military spouses hold.

B. Potential for Spousal Licensing in Connecticut

Connecticut is among the 23 states the National Military Family Association identifies as having a positive spousal licensing program.²¹ Nonetheless, there are several ways to further streamline the spousal licensing process. The Task Force may wish to consider recommending passage of a more explicit and comprehensive law to recognize the occupational difficulties faced by military families. One example of such a law is the Illinois Military Family Licensing Act, which went into effect in January 2013.²² That law directs all state agencies, including the Department of Education, to issue temporary licenses to military spouses with existing out-of-state certifications. A comprehensive law of this sort would ensure that Connecticut occupations not currently covered by temporary or expedited licensing fall under new spousal licensure provisions. It would also mean that military spouse educators would automatically qualify to teach in Connecticut public schools under an interim teaching certificate.

Military spouse educators could also benefit from regulatory change. For instance, the Department of Education currently grants testing waivers only to teachers who have three years of experience in a single school district. Military spouses are much more likely than their civilian counterparts to have moved frequently, and hence, to have taught in multiple school districts rather than in one place. Accordingly, the Task Force could recommend that the Department of Education amend its regulations to grant testing waivers to military spouses who have three years of experience in any school district.

In terms of new legislation, a spousal licensing law could also provide more expansive opportunities for licensing by endorsement. Such a bill might contain a provision to suspend the expiration of Connecticut licenses held by military spouses who leave the state for up to six years, a period of time that would cover several tours of duty. This provision would mean that spouses who leave and return to Connecticut during the course of their spouse's military career do not have to re-qualify for their old occupational licenses. Finally, the Task Force could consider fee waivers for military spouses' licensing applications. In most cases, including cases

of straightforward cross-state reciprocity, the fee to receive a Connecticut occupational license is more than \$150.

III. License Tolling

License tolling is another legislative reform the Task Force may wish to consider. In this context, tolling is the process of suspending a license so that it does not expire while a service member is on active duty. Occupational licenses can be suspended either by delaying their expiration dates for a fixed period of time or by automatically renewing licenses throughout the period of active duty. Connecticut has already taken the latter approach for most occupations. In 2007, the state passed a broad license renewal provision that instructs state agencies to automatically renew occupational licenses for active duty members of the Armed Forces and for members of the National Guard who the Governor orders to military service.²³

However, Connecticut's renewal law does not apply to licenses issued by the Department of Public Health or the Department of Education. This means that licensed teachers, nurses, day care providers, EMTs, sanitation workers, and asbestos and lead abatement workers may lose their licenses if they serve in the National Guard and get called to active duty, or if they choose to join the Armed Forces. The Task Force could consider whether any or all of these occupational licenses should be subject to license tolling. Such a reform would require amending the existing license renewal statute.

REFERENCES & NOTES

¹ White House Press Secretary, *Fact Sheet: States Answer First Lady's Call to Put America's Heroes Back to Work* 2 (April 17, 2013), available at <http://www.whitehouse.gov/the-press-office/2013/04/17/fact-sheet-states-answer-first-lady-s-call-put-america-s-heroes-back-wor> [hereinafter *States Answer First Lady's Call*]; see also U.S. DEP'T OF THE TREASURY & U.S. DEP'T OF DEFENSE, SUPPORTING OUR FAMILIES: BEST PRACTICES FOR STREAMLINING OCCUPATIONAL LICENSES ACROSS STATE LINES (Feb. 2012), available at: http://www.defense.gov/home/pdf/Occupational_Licensing_and_Military_Spouses_Report_vFINAL.PDF.

² *States Answer First Lady's Call*, supra note 1, at 2.

³ *Id.*; see also in United Services Automobile Association (USAA), *Moving Causes Career Hurdles for Military Spouses*, USAA MAGAZINE, Feb. 28, 2013, <https://www.usaa.com/inet/pages/advice-military-movingcareerhurdlesspouses?akredirect=true>.

⁴ *States Answer First Lady's Call*, supra note 1, at 2.

⁵ USAA, supra note 3.

⁶ *Id.*

⁷ NATIONAL MILITARY FAMILY ASSOCIATION (NMFA), FIFTY STATE LICENSING CHART (2013), available at <http://www.militaryfamily.org/get-info/spouse-employment/50-state-licensing-chart.html>.

⁸ *Id.*; see also Department of Defense (DoD), *Spouse Licensure Map: Connecticut*, MILITARY ONESOURCE (2013), available at http://www.militaryonesource.mil/seco?content_id=270250.

⁹ *Id.*

¹⁰ *Id.*

¹¹ CONN. GEN. STAT. ANN. §§ 20-1 - 20-691 (2011).

¹² See CONNECTICUT STATE DEPARTMENT OF EDUCATION, TROOPS TO TEACHERS (Dec. 6, 2012), available at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2613&q=321270>.

¹³ BUREAU OF EDUCATOR STANDARDS AND CERTIFICATION, CONNECTICUT STATE DEPARTMENT OF EDUCATION, OBTAINING CONNECTICUT EDUCATOR CERTIFICATION 2 (June 2013), available at <http://www.sde.ct.gov/sde/lib/sde/pdf/cert/obtaining1109aw.pdf>.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ This information about current practices and costs is based on telephone conversations with the Department of Education Bureau Chiefs who oversee certification.

¹⁷ CONN. GEN. STAT. ANN. §10-145a (2013).

¹⁸ CONN. GEN. STAT. ANN. §10-145a (2013).

¹⁹ *Id.*

²⁰ *See, e.g.*, Illinois Military Family Licensing Act, Pub. Act 097-0710 § 5 (2013), available at <http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=097-0710>; *see also* the memorandum submitted to the Task Force at its last meeting regarding licensing practices in other states.

²¹ NMFA, *supra* note 7.

²² Illinois Military Family Licensing Act, *supra* note 19.

²³ CONN. GEN. STAT. ANN. §4-61cc (2007).