SENATE RULES COMMITTEE
Office of Senate Floor Analyses
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THIRD READING

Bill No:        SB 811
Author:        Jones (R), et al.
Introduced:    2/17/23
Vote:          21

SENATE EDUCATION COMMITTEE:  7-0, 3/29/23
AYES:  Newman, Ochoa Bogh, Cortese, Glazer, McGuire, Smallwood-Cuevas, Wilk

SENATE JUDICIARY COMMITTEE:  7-0, 4/25/23
AYES:  Umberg, Wilk, Allen, Ashby, Laird, Niello, Wiener
NO VOTE RECORDED:  Caballero, Durazo, Min, Stern

SENATE APPROPRIATIONS COMMITTEE:  7-0, 5/18/23
AYES:  Portantino, Jones, Ashby, Bradford, Seyarto, Wahab, Wiener

SUBJECT:  Teacher credentialing: Interstate Teacher Mobility Compact

SOURCE:  Author

DIGEST:  This bill enters California into the Interstate Teacher Mobility Compact (ITMC), requiring member states to grant licenses to teachers with licenses from other member states without having to meet additional requirements, except for a criminal background check.

ANALYSIS:

Existing law:

1) Requires the Commission on Teacher Credentialing (CTC) to issue a five-year preliminary teaching credential to an out-of-state prepared teacher who meets all of the following requirements:

   a) Possesses a baccalaureate degree from a regionally accredited institution of higher education.
b) Has completed a teacher preparation program at a regionally accredited institution of higher education, or a state-approved teacher preparation program offered by a local educational agency.

c) Meets the subject matter knowledge requirements for the credential. If the subject area listed on the out-of-state credential does not correspond to a California subject area, the CTC may require the applicant to meet California subject matter requirements before issuing a clear credential.

d) Has earned a valid corresponding elementary, secondary, or special education teaching credential based upon the out-of-state teacher preparation program.

e) Has successfully completed a criminal background check for credentialing purposes. (Education Code (EC) § 44274.2)

2) Requires the holder of a preliminary credential who is prepared out-of-state to meet the state basic skills proficiency requirement within one year of the date the credential is issued or the credential becomes invalid. (EC § 44274.2)

3) Requires the CTC to issue a clear multiple subject, single subject, or education specialist teaching credential to an applicant who satisfies the requirements above, provides verification of two or more years of teaching experience, including, but not limited to, two satisfactory performance evaluations, and documents, in a manner prescribed by the CTC, that they have met the state requirements for teaching English learners. (EC § 44274.2)

4) Requires, for applicants who do not meet the experience requirement, the CTC to issue a clear multiple subject, single subject, or education specialist teaching credential upon verification of the following requirements:

   a) The CTC has issued to the applicant a preliminary five-year teaching credential.

   b) The applicant has completed a beginning teacher induction program.

   c) The applicant has met the requirements for teaching English learners.

   d) Before issuing an education specialist credential, the CTC shall verify completion of a program for the Professional Level II credential accredited by the CTC. (EC § 44274.2)
This bill:

1) Enters California into the ITMC, requiring member states to grant licenses to teachers with licenses from other member states without having to meet additional requirements, except for a criminal background check.

2) Allows member states to require relocating teachers to meet additional requirements upon renewal of their license.

3) Establishes provisions for active-duty members of the military and for military spouses who have teaching licenses.

4) Requires member states to provide information regarding investigation and discipline of teachers to other member states, upon request.

5) Establishes the ITMC Commission, including membership, duties, and rulemaking authority.

6) Establishes oversight, dispute resolution, and enforcement responsibilities of state governments in member states.

7) Allows states to withdraw from the ITMC by enacting a statute repealing their participation. However, any withdrawal shall not take effect until six months after enactment of the repealing statute, and withdrawal would not relieve a member state of its continuing requirement to comply with the investigative and adverse action reporting requirements of the ITMC prior to the effective date of the withdrawal.

8) Takes effect when enacted into law in the tenth member state.

Comments

1) Need for the bill. According to the author, “The state of California is currently experiencing an unparalleled shortage of qualified educators, which has been further exacerbated by the ongoing Covid-19 pandemic. Presently, all out-of-state teachers seeking employment in California are required to obtain a new license, causing significant delays in the credentialing process and preventing many highly qualified individuals with equivalent out-of-state credentials from joining the state's workforce. Furthermore, some talented teachers are deterred from relocating to California due to the financial strain caused by prolonged waiting periods for licensure, which disproportionally affects military families who frequently relocate on short notice. This issue has a detrimental impact on California's ability to attract and retain exceptional educators, ultimately
harming the quality of education received by our students. Fortunately, the implementation of the ITMC is poised to expedite the credentialing process, allowing us to welcome highly qualified teachers into our classrooms more quickly than ever before.”

2) **Credentialing process for out-of-state prepared teachers.** California has a two-tier credential structure. A preliminary credential is the first document issued after an individual meets basic credential requirements. The preliminary credential is issued for a maximum of five years. A clear credential is issued when all credential requirements have been completed. If the requirements for the clear credential are not completed before the expiration of the preliminary, the holder is deemed ineligible to teach in California's public schools.

Further, current law requires that every teacher who provides instructional services to an English-learner be authorized to provide specialized instruction for those learners. This instruction would either (1) help the learners understand instruction that is taught only in English, (2) help the learners develop their ability to listen, speak, read, and write in English, (3) be provided in the learners' primary language as English is acquired, or (4) be taught in a language other than English for those learners in a dual immersion program.

For out-of-state prepared teachers, current law requires the applicant to attain a master's degree or demonstrate 150 hours of professional development to earn a Clear teaching credential, in addition to demonstrating subject matter knowledge and complete the Crosscultural, Language, and Academic Development certificate.

3) **Interstate Teacher Mobility Compact Overview.** Interstate compacts are legally binding agreements among states. Occupational licensure compacts ensure that states honor the licenses granted in other compact-member states. The Council of State Governments (CSG) partnered with the United States Department of Defense (DoD) and the National Association of State Directors of Teacher Education and Certification (NASDTEC) to create the ITMC. According to CSG, interstate occupational licensure compacts already exist for medical licensure, nurse licensure, emergency medical service officials, physical therapists, psychologists, audiologists and speech-language pathologists, occupational therapists, and counselors.

The ITMC will allow any teacher with a valid, unencumbered license to move from one state to another and teach if they hold a bachelor's degree, have completed the requirements of a state-approved education preparation program, and undergo a criminal background check in the receiving state. Any additional
state-imposed licensure requirements in the receiving state would then be completed by that teacher at their next licensure renewal.

4) How does California’s current pathway for initial licensure of out-of-state prepared teachers compare to the compact? California’s current pathway for initial licensure of teachers prepared in other states mirrors the ITMC very closely. The ITMC appears to allow member states to “require the teacher to complete state specific requirements as a condition of licensure renewal or advancement in that state.” However, California can already hold an out-of-state prepared teacher to Subject Matter Competence, English Learner Authorization, or Induction Program requirements. In fact, these requirements are often identified by out-of-state prepared teachers as the barriers for licensure in California.

As such, it is unclear what impact the ITMC would have on the requirements that teachers from other states feel are burdensome. Further, because the ITMC governing body and rules have not yet been established, joining the ITMC now could result in unidentified issues that are yet unknown. Would a better approach be to amend California law to reduce bureaucratic barriers for teachers with out-of-state licenses? For example, the state could require these teachers to provide a letter verifying two years of full time teaching experience rather than two years’ worth of evaluations.

5) Recent federal legislation requires licensure transfer among states. In January, 2023, the Military Spouse Licensing Relief Act, sponsored by Rep. Mike Garcia (R-CA) with bipartisan support, was signed into law by President Joe Biden. The act is a provision within the Veterans Auto and Education Improvement Act. At its core, the act states that any military spouse or service member with a professional license and an ordered Permanent Change of Station can transfer their license to their gaining state. The most common licenses affected by this change would be health care professionals, teachers, real estate agents, social workers, massage therapists, and cosmetologists.

For states that already participate in an existing licensure compact, such as the ITMC proposed by this bill, the compact appears to supersede the new federal law. Would a more thoughtful approach be to reconsider joining the ITMC once its governing body and rules have been established and the impacts of this recent change at the federal level have been evaluated?

**FISCAL EFFECT:** Appropriation: No  Fiscal Com.: Yes  Local: No
According to the Senate Appropriations Committee:

- The bill provides that the ITMC would not go into effect until at least ten states enact legislation to join which could happen towards the end of the 2023-24 fiscal year. The Commission on Teacher Credentialing (CTC) indicates that once created, the compact will have an oversight committee, a part-time director, and some staff and that the costs of creating Compact infrastructure and compensating staff would be around $42,000 a year per state, assuming there are ten member states. These costs would likely go down as more states join the compact.

- The CTC indicates that since the bill could lead to an increase in applications from out of state, 4.0 additional positions will be needed for the following: develop regulations for new out-of-state credential transfers; create internal and external guidance for Commission staff on processing applications and assisting out-of-state applicants to navigate our process; provide customer service and assistance; process fingerprints for out-of-state applicants; and conduct background checks. The CTC believes the costs for these activities would be approximately $400,000 each year in special funds.

SUPPORT: (Verified 5/18/23)

Association of California School Administrators
California Defense Community Alliance
Los Angeles County Office of Education
Military Services in California
National Associate of State Directors of Teacher Education and Certification
San Bernardino County District Advocates for Better Schools
San Diego Military Advisory Council
Silver Valley Unified School District
Solano County Office of Education
Teach for America
Travis Community Consortium
U.S. Department of Defense
Vacaville Unified School District
Vallejo City Unified School District

OPPOSITION: (Verified 5/18/23)

California Teachers Association
ARGUMENTS IN SUPPORT: The U.S. Department of Defense writes, “California has made incremental improvements in the recent past to assist teachers who are members of the military community to quickly obtain state certification upon arrival, to include providing initial application fee waivers and expediting the adjudication of “completed” application processing for military spouses. However, we have heard that the required submission of substantiating documents and employment verifications, evaluations and recommendations prior to application processing continues to delay licensure and employment for military spouses. To validate the lived experiences that we have heard from military spouses, a 2021 study conducted by Pennsylvania State University found that that military spouse teachers coming into California cannot begin working within the Department’s baseline of thirty days of arriving due to the amount of substantiating and verifying paperwork required to be submitted prior to application processing.

Given that California hosts the highest number of military spouses in the nation and teaching has been found to be one of the most prevalent of all professions for military spouses, this policy has the potential to have a substantial, positive impact on this population. It is important to note, however, that licensure compacts such as the ITMC benefit not only military spouses, but also apply to all eligible professionals coming into the state, to include active-duty Service members, members of the reserve components, veterans, and civilians.”

ARGUMENTS IN OPPOSITION: The California Teachers Association (CTA) writes, “CTA asserts that there is no need for this proposal. California offers individuals who have completed a teacher preparation program and have been issued a teaching certification in another state the opportunity to apply for a California teaching certification through reciprocity agreements. California also expedites applications and the notification timeline for military spouses. The exact process for certification will differ depending on the amount of professional experience candidates have gained and the type of certification requested Forty-five (45) states currently have reciprocity agreements with California. Even if all those states become compact members, California’s existing agreements would not change.”

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