

## **Professional Certification Coalition Member Strategy Call**

Tuesday, December 3, 2019

3:00 p.m. EST

### **I. Introduction**

- a. The PCC wishes all members a very happy holidays and new year!
- b. Friendly reminder to pay any remaining member dues for the current fiscal year. These payments can be made in one lump sum or in two installments (half now, and half during the first half of the 2020 calendar year).
- c. **Save the date:** PCC Annual In-Person Meeting on **February 20, 2020** at the Pillsbury office in Washington, D.C.

### **II. Strategic Discussion — State Legislation**

- a. The PCC is monitoring activity in the few states that remain in session and in those states that will be entering the 2020 session shortly. In particular, we are monitoring pre-filed bills and will alert members when any relevant legislation is introduced.
- b. Please feel free to refer to the PCC Watchlist for information about the bills the PCC is monitoring.
- c. **Pennsylvania S.B. 637**
  - i. The PCC's suggested changes to make the bill clearer and more consistent were added to the bill, which was passed by the Senate. It has now been sent to the House Judiciary Committee.
  - ii. H.B. 1477 is the House companion bill to S.B. 637. It is unclear whether co-sponsors of that bill will want it to move instead of S.B. 637. The language of both bills could still evolve during the legislative process.
- d. **Michigan H.B. 4488**
  - i. Michigan H.B. 4488 deals with eligibility requirements for certain licenses and regulations under the Skilled Trades Regulation. The bill would prohibit licensure boards from considering any misdemeanor conviction or any conviction that does not present a risk to public "safety."
  - ii. There has been no movement since this bill was first referred to committee back in April. Michigan's legislative session continues until mid-December. The PCC is working with allies in Michigan to monitor this bill, and we will continue to keep an eye on it moving forward.

e. **Missouri H.B. 564**

- i. The original language of this bill was troublesome, and the PCC convinced the bill's sponsor to amend the language, but the bill did not pass before the end of the 2019 legislative session.
- ii. The PCC retains a lobbyist in Missouri, and it is our understanding that a companion Senate bill has been pre-filed to be introduced in January. We do not have the text of this bill yet.
- iii. As a reminder, Missouri passed a law in 2018 (prior to the formation of the PCC) that restricts the term "registered" to those individuals holding titles issued by the state. Our goal in Missouri is to use any moving, relevant legislation to alter this existing law. The amendments that we continue to seek are provisions stating:
  1. Nothing in this chapter shall be construed to require a private certification organization to grant or deny credentials to any individual, nor alter or impair any requirement in a licensure statute or regulation for an individual to hold current private certification as a condition of licensure or renewal of licensure.
  2. Notwithstanding any other provision of this Section, no individual shall be restricted from using the title "certified" or the title "registered" to the extent that title reflects a credential held by the individual that was issued by a private certification organization that confers credentials to individuals meeting the qualifications set by the organization's certification or certificate program.
  3. [To the provision calling for "implementing a system of certification" in the event of an imbalance of access to information by consumers]: "unless suitable, private certification for the relevant occupation is available. As used in this section, '*suitable*' means widely recognized as reflecting established standards of competency, skill, or knowledge in the field."
- iv. We've been in touch with our lobbying firm, Husch Blackwell Strategies, which has confirmed that the primary bill sponsor, Rep. Grier, will continue to work closely with us and is willing to adopt our language.

f. **Ohio**

- i. After our successful engagement to amend OH SB 255 last year, we have gathered intelligence suggesting that Ohio may be considering licensing

bills during the end of the 2019 session. We will continue to monitor activity there.

### **III. Strategic Discussion — Federal Legislation**

#### **a. Use of 529 plans for postsecondary credentials**

##### **i. H.R. 5339: The Freedom to Invest in Tomorrow's Workforce Act**

1. We have worked for months with the staff of Rep. Abigail Spanberger (D-VA) on legislation that would permit beneficiaries to use funds in 529 savings plans to cover costs associated with obtaining and maintaining a professional certification. In particular, the bill would cover costs associated with taking examinations related to certifications. Despite efforts by staff from the House Education and Labor Committee to narrow the bill's scope, we successfully persuaded Rep. Spanberger's staff to use the legislative language we provided to them, which will be most beneficial to PCC members.
2. **Post-call update:** Rep. Spanberger's 529 bill, known as the Freedom to Invest in Tomorrow's Workforce Act (H.R. 5339) – drafted by the PCC – was introduced in the House on Friday, December 6, 2019. Rep. Rob Wittman (R-VA) is the original Republican cosponsor on the bill. The PCC will be in touch with members regarding steps that you and your members/allies can take to promote the bill.

##### **ii. Senate action on 529 legislation**

1. Sen. Klobuchar's bill (S. 379) to allow beneficiaries to use 529 plans to cover costs associated with obtaining a postsecondary credential has not moved since its introduction. However, we understand from Sen. Klobuchar's staff that she is interested in re-introducing the bill – this time, with our preferred language that is also contained in the Freedom to Invest in Tomorrow's Workforce Act – early next year. We are working with Sen. Klobuchar's staff on legislative language and potential cosponsors.
2. Senator Pat Toomey (R-PA) has tried to bring up the SECURE Act – which contains 529-related provisions and could be a good vehicle for our 529 legislative language – at several junctures over the past few months. However, several Democrats and Republicans have objected to Senate consideration of this legislation, for different reasons. It is possible that the SECURE Act will be attached to a larger legislative vehicle at the end of the year or could languish until next year.

**b. Criminal Conviction History – “Next Step Act” “Fair Chance Licensing Act”**

- i. As we have noted in previous communications, the PCC is advocating for amendments to the Fair Chance Licensing Act title of the Next Step Act, as it contains criminal conviction history language that, we believe, could undermine the rights of certification organizations to establish and enforce their own codes of conduct.
- ii. We have shared our views with the National Employment Law Project (the most active organization on this legislation), Sen. Booker’s office, and Rep. Watson-Coleman’s office.
- iii. We do not expect this bill to move forward any time soon. The PCC will continue to monitor the legislation and engage with stakeholders, as appropriate.

**IV. Stakeholder Outreach/Thought Leadership**

- a. Members of the PCC team have participated in several recent public events and are planning future participation in others.
- b. PCC participation in Women in Government (WiG) summit
  - i. In November, Julia Judish, Jeff Evans, and Mary Kate Cunningham presented at the WiG state legislators’ summit in DC, consisting primarily of female legislators, agency officials, and staff from across the country.
  - ii. The PCC team secured a slot prior to lunch to speak to a full room of legislators and their staff members about the PCC activities, our concerns, and our main principles. The attendees seemed very interested and engaged.
  - iii. We found this to be a valuable outlet to explain to legislators who we are, and what to look for in bills as they come across their desks. We were able to then have several one-on-one conversations with legislators and distribute our white papers and other materials
  - iv. We intend to continue to attend to engage with WiG and will consider future participation in this event, given its high value.
- c. PCC participation in ICE Exchange
  - i. In November, Denise Roosendaal, and Julia Judish participated in the ICE Exchange in San Diego.
  - ii. This is the annual event for credentialing organizations and those who support them. We had an information session about the PCC and provided materials to attendees.
- d. PCC participation in Certification Network Group meeting

- i. On December 4, 2019 Julia Judish will present on the PCC activities to the CNG meeting.
  - e. PCC participation in Citizen Advocacy Center (CAC) 2019 Annual Meeting
    - i. In mid-December, Julia Judish will be making a PCC-focused presentation at the CAC 2019 Annual Meeting on our principles and work.
    - ii. Ryan Nunn of the Brookings Institution – with whom we have engaged, given his thought leadership on our issues – will be the keynote speaker.
  - f. Outreach to ALEC/IJ, Brookings Institution, NELP, and state-based advocacy groups
    - i. The PCC continues to be in touch with ALEC and IJ and have presented our amendments to their model bills.
    - ii. We are also in contact with the Brookings Institution, NELP, and other state-based advocacy groups that are often aligned with ALEC and IJ.
  - g. Criminal History White Paper draft
    - i. **Important: discussion draft, not for external distribution**
    - ii. The PCC is hoping to receive member feedback on the discussion draft on what you want it to address and what you want the final product to look like.
    - iii. PCC members should also consider whether they want two final versions, one for external distribution and one for members only.
- V. **Thank you for your continued membership with the PCC and happy holidays!**