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# SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair  
2015 - 2016 Regular

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**Bill No:** AB 1679  
**Author:** Weber  
**Version:** April 6, 2016  
**Urgency:** No  
**Consultant:** Olgalilia Ramirez  
**Hearing Date:** June 8, 2016  
**Fiscal:** Yes

**Subject:** Child care: state preschool programs: eligibility: military families

## SUMMARY

This bill expands and codifies emergency regulations that exclude all or a portion of the basic allowance for housing provided to active duty military personnel from income considerations for purposes of determining eligibility for state preschool.

## BACKGROUND

Existing Law:

- 1) Requires the Superintendent of Public Instruction to administer all state preschool programs, which include, but are not limited to, part-day age- and developmentally appropriate programs designed to facilitate the transition to kindergarten for three- and four-year-old children in educational development, health services, social services, nutritional services, parent education and parent participation, evaluation, and staff development. (Education Code § 8235(a))
- 2) Authorizes a part-day state preschool program to provide services to children in families with incomes up to 15% above the income eligibility threshold, as specified, provided all other eligible three- and four-year-olds have been enrolled. Further specifies that no more than 10% of the children enrolled under a provider's entire contract can be children in families above the income eligibility threshold. (EC § 8235(c))
- 3) Requires families to meet certain criteria in order to be eligible for federal and state subsidized child development services, including that a family must be either a current aid recipient, income eligible, homeless, or one whose children are recipients of protective services or have been identified as being abused, or neglected, as specified. (EC § 8263)
- 4) Establishes the income eligibility limit for child development services, including state preschool, at 70% of the State median income that was in use for the 2007-08 fiscal year, adjusted for family size, as specified. (EC § 8263.1)
- 5) Provides, pursuant to federal law, a basic allowance for housing to which a uniformed service member, including a member with dependents, as specified, is entitled if he or she is also entitled to basic pay. (Title 37, United States Code § 403)

- 6) Authorizes a state preschool contractor located on or in close proximity to a military base, with prior written approval, as specified, to exclude from the child care eligibility and rankings determination the amount of the basic allowance for housing provided to an individual on federal active duty, state active duty, active duty for special work, or Active Guard and Reserve duty in the military whose family resides on a military base or in military housing. Requires program vacancies to first be filled by children pursuant to all statutorily mandated priorities for state preschool programs.  
(Title 5, California Code of Regulations, § 18134)

## ANALYSIS

This bill expands and codifies emergency regulations that exclude all or a portion of the basic allowance for housing provided to active duty military personnel from income considerations for purposes of determining eligibility for state preschool. Specifically, it:

- 1) Makes various declarations and findings related to the unique circumstances faced by transitioning California Military Families and the role preschools play in early academic success and providing stability for military children.
- 2) States the Legislature's intent to ensure that military families have access to preschool services that their children need.
- 3) Excludes from income calculation the amount of basic allowance for housing received by specified active duty military for purposes of determining eligibility for state preschool services.
- 4) Specifies, that the amount of basic allowance for housing excluded from income be equal to the lowest rate of the allowance for the military housing area in which an individual resides.
- 5) States that its provisions do not supersede state mandated priorities for state-subsidized child development services.

## STAFF COMMENTS

- 1) ***Need for the bill.*** To help cover the cost of housing for a military family, some service members are issued a housing allowance. Many of these families that could be eligible for state preschool programs do not qualify as a result of the housing allowance inflating their calculated income. According to the author, Since July 2013 over 95 waivers have been issued by the California Department of Education to local education agencies authorizing the exclusion of the military housing allowance from the income calculation when determining eligibility for state preschool programs. This bill seeks to codify and continue this trend of expanding access to state subsidized preschool services for active duty military families.
- 2) ***Existing authorization.*** State regulations (Title 5, CCR, § 18134) allow for state preschool programs located on or in close proximity to a military base to, exclude

the military allowance for housing provided for active military personnel, when calculating income for eligibility. The contractor with prior written approval from the State Superintendent of Public Instruction may exclude the amount of the military housing allowance provided to the individual pursuant to federal law (37 USC 403). Rather than authorizing state preschool program, this bill would automatically exclude the amount from being calculated as income when determining eligibility for subsidized preschool services. This would apply statewide regardless of proximity to a military base.

- 3) **California State Subsidized Preschool.** The state preschool program provides both part-day and full-day services that offer age and developmentally appropriate curriculum to children designed to facilitate the transition to kindergarten for three- and four-year-old children in educational development, health services, social services, nutritional services, parent education and participation, evaluation, and staff development. The program prioritizes three- or four-year-olds neglected or abused children who are recipients of child protective services, or who are at risk of being neglected, abused, or exploited. After this priority is satisfied then the next priority is given to eligible four-year-old children before enrolling eligible three-year-old children. This bill clarifies that its provisions do not supersede state mandated priorities for subsidized state preschool services.
- 4) **Military Allowance for Housing.** The housing allowance or the Basic Allowance for Housing (BAH) is based on geographic location, pay grade, and dependency status. The intent of BAH is to provide service members equitable housing compensation based on local housing markets, when military housing is not provided. In California, the starting BAH for beginning-ranking personnel with dependents range from the mid \$800's for areas such as China Lake to the low \$4,000's for San Francisco. The ranges subsequently increase according to military rank. In order to be eligible for state preschool services, existing law requires a family's adjusted monthly income to be at or below 70% of the state median income.

This bill proposes to exclude the BAH as income for purposes of determining eligibility for state preschool services thereby making families that would not otherwise qualify eligible for subsidized care. Under the provisions of this bill, the amount of basic allowance for housing excluded from income must be equal to the lowest rate of the allowance for the military housing area in which an individual resides leaving a higher ranking official with the same allowance as lower ranking personnel.

- 5) **Prior Legislation.**

AB 427 (Weber, 2015) excludes the military housing allowance from being calculated as income when determining eligibility for child care and development services specified under the Child Care and Development Services Act. This bill is limited to state preschool services. AB 427 was held on suspense in the Senate Appropriations committee.

AB 170 (Saldaña, 2007) similar to this bill, excludes from income calculation, the basic housing allowance received by active military personnel for purposes of determining eligibility for state preschool. AB 170 was held by the Assembly Appropriations committee.

**SUPPORT**

Association of California School Administrators  
First 5 California  
Los Angeles County Office of Education  
Marine Corps Installations West, United State Marine Corps  
Tom Torlakson, State Superintendent of Public Instruction

**OPPOSITION**

None received.

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