

AMENDED IN SENATE JUNE 1, 2010

SENATE BILL

No. 1413

Introduced by Senator Leno

February 19, 2010

An act to add ~~Section 38086~~ *Sections 35182.7 and 49571* to the Education Code, relating to schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 1413, as amended, Leno. Schools: ~~food service areas:~~ *pupil nutrition: availability of tap water.*

Existing law prohibits the governing board of a school district from entering into a contract that grants exclusive advertising rights, or grants the right to the exclusive sale of carbonated beverages, throughout the district to a person, business, or corporation unless the governing board of the school district has adopted a policy after a public hearing to ensure that the district has internal controls in place regarding the expenditure of public funds.

Under existing law, these provisions are applicable to a contract for the sale of carbonated beverages or nonnutritious beverages or nonnutritious food, as defined, within the school district. In addition, existing law prohibits a governing board from entering into or renewing that contract or authorizing a school within the district to enter into or renew that contract, unless the governing board provides to parents, guardians, pupils, and members of the public an opportunity to comment on the contract during a public hearing conducted at a regularly scheduled board meeting. Existing law also requires the board to clearly identify in the meeting agenda the contract to be discussed. Existing law further specifies certain activities that meet the public hearing requirements for beverage and food contracts. Existing law prohibits

the contract from including a confidentiality clause, and requires the board to make the contract accessible to the public.

This bill, notwithstanding the provisions described above, would prohibit the governing board of a school district from entering into, or renewing, a contract that restricts the availability of free tap water on the school campus. The bill would authorize each school district to provide free tap water in school food service areas, as defined in federal regulations, including, but not necessarily limited to, areas where reimbursable meals under the National School Lunch Program or the federal School Breakfast Program are served or consumed.

~~(1) Existing law authorizes the governing board of a school district to establish cafeterias in the schools under its jurisdiction whenever in its judgment it is advisable to do so and to make the cost of water, electricity, gas, coal, wood, fuel oil, and garbage disposal a charge against the funds of the school district.~~

~~Existing law permits the sale of only certain beverages to pupils at schools. The beverages that may be sold include fruit-based and vegetable-based drinks, drinking water, milk, and an electrolyte replacement beverage if those beverages meet certain nutritional requirements.~~

~~This bill would require a school district to provide access to free, fresh drinking water in school food service areas by January 1, 2012.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes-no.
State-mandated local program: yes-no.~~

The people of the State of California do enact as follows:

1 SECTION 1. Section 35182.7 is added to the Education Code,
2 to read:

3 35182.7. Notwithstanding any other provision of law, the
4 governing board of a school district shall not enter into, or renew,
5 a contract that restricts the availability of free tap water on the
6 school campus.

1 *SEC. 2. Section 49571 is added to the Education Code, to read:*
2 *49571. A school district may provide free tap water in school*
3 *food service areas, as defined in federal regulations, including,*
4 *but not necessarily limited to, areas where reimbursable meals*
5 *under the National School Lunch Program or the federal School*
6 *Breakfast Program are served or consumed.*

7 ~~SECTION 1. Section 38086 is added to the Education Code,~~
8 ~~to read:~~

9 ~~38086. By January 1, 2012, a school district shall provide~~
10 ~~access to free, fresh drinking water in the food service areas of the~~
11 ~~schools under its jurisdiction.~~

12 ~~SEC. 2. If the Commission on State Mandates determines that~~
13 ~~this act contains costs mandated by the state, reimbursement to~~
14 ~~local agencies and school districts for those costs shall be made~~
15 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
16 ~~4 of Title 2 of the Government Code.~~