

AMENDED IN ASSEMBLY JUNE 22, 2010

AMENDED IN SENATE JUNE 1, 2010

SENATE BILL

No. 1413

Introduced by Senator Leno

February 19, 2010

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1413, as amended, Leno. Schools: pupil nutrition: availability of tap water.

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 during meal times in school food service areas by January 1, 2012, unless the governing board of a school district adopts a resolution stating that it is unable to comply with this requirement and stating the reasons why it is unable to comply. The resolution would be required to be publicly noticed on at least 2 consecutive meeting agendas and approved by at least a majority of the governing board.

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.

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

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

1 SECTION 1. Section 38086 is added to the Education Code,
2 to read:
3 38086. (a) Except as provided in subdivision (b), by January
4 1, 2012, a school district shall provide access to free, fresh drinking
5 water during meal times in the food service areas of the schools
6 under its jurisdiction, including, but not necessarily limited to,

1 *areas where reimbursable meals under the National School Lunch*
2 *Program or the federal School Breakfast Program are served or*
3 *consumed. A school district may comply with this section by, among*
4 *other means, providing cups and containers of water or soliciting*
5 *or receiving donated bottled water.*

6 *(b) The governing board of a school district may adopt a*
7 *resolution stating that it is unable to comply with the requirements*
8 *of this section and stating the reasons why it is unable to comply.*
9 *The resolution shall be publicly noticed on at least two consecutive*
10 *meeting agendas and approved by at least a majority of the*
11 *governing board.*

12 ~~SECTION 1. Section 35182.7 is added to the Education Code,~~
13 ~~to read:~~

14 ~~35182.7. Notwithstanding any other provision of law, the~~
15 ~~governing board of a school district shall not enter into, or renew,~~
16 ~~a contract that restricts the availability of free tap water on the~~
17 ~~school campus.~~

18 ~~SEC. 2. Section 49571 is added to the Education Code, to read:~~

19 ~~49571. A school district may provide free tap water in school~~
20 ~~food service areas, as defined in federal regulations, including, but~~
21 ~~not necessarily limited to, areas where reimbursable meals under~~
22 ~~the National School Lunch Program or the federal School Breakfast~~
23 ~~Program are served or consumed.~~