

AMENDED IN ASSEMBLY AUGUST 2, 2010

AMENDED IN ASSEMBLY JUNE 22, 2010

AMENDED IN SENATE JUNE 1, 2010

SENATE BILL

No. 1413

Introduced by Senator Leno

(Coauthor: Assembly Member Brownley)

February 19, 2010

An act to add 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~~, *July 1, 2011*, unless the governing board of a school district adopts a resolution stating that it is unable to comply with this requirement and ~~stating~~ *demonstrating* the reasons why it is unable to

comply *due to fiscal constraints or health and safety concerns*. 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.

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,~~ *July 1, 2011*, a school district shall provide access to free,
5 fresh drinking water during meal times in the food service areas
6 of the schools under its jurisdiction, including, but not necessarily
7 limited to, areas where reimbursable meals under the National
8 School Lunch Program or the federal School Breakfast Program
9 are served or consumed. A school district may comply with this
10 section by, among other means, providing cups and containers of
11 water or soliciting or receiving donated bottled water.
12 (b) The governing board of a school district may adopt a
13 resolution stating that it is unable to comply with the requirements
14 of this section and ~~stating~~ *demonstrating* the reasons why it is
15 unable to comply *due to fiscal constraints or health and safety*
16 *concerns*. The resolution shall be publicly noticed on at least two
17 consecutive meeting agendas, *first as an information item and*
18 *second as an action item*, and approved by at least a majority of
19 the governing board.