

**ASSEMBLY BILL**

**No. 496**

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**Introduced by Assembly Member Rendon**

February 23, 2015

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An act to amend Section 38086 of the Education Code, relating to pupil nutrition.

LEGISLATIVE COUNSEL'S DIGEST

AB 496, as introduced, Rendon. Pupil nutrition: fresh drinking water: funding.

Existing law requires a school district to provide access to free, fresh drinking water during meal times in the food service areas of the schools under its jurisdiction, unless the governing board of the school district adopts a resolution stating that it is unable to comply with that requirement, as specified.

This bill would authorize the State Department of Education to receive funds transferred from available state and federal sources, to be allocated to school districts for purposes of complying with the requirement for providing access to drinking water specified above, and would require the department to identify available sources of funding for those purposes.

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

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

1 SECTION 1. (a) The Legislature finds and declares all of the  
2 following:

1 (1) Recent studies show that unsafe drinking water plagues  
2 school water systems at a startling rate.

3 (2) Some schools have sealed pipes and turned off drinking  
4 fountains due to lead piping and other water system contaminants.

5 (3) Limited funding and a growing list of needs to rebuild school  
6 infrastructure causes the need for clean drinking water to fall by  
7 the wayside.

8 (4) Schools need a one-stop shop where information and funding  
9 is available for clean drinking water programs.

10 (b) It is the intent of the Legislature to build public confidence  
11 in our state’s water systems, and to ensure that schools serving our  
12 children have clean water available to pupils at all times.

13 SEC. 2. Section 38086 of the Education Code is amended to  
14 read:

15 38086. (a) Except as provided in subdivision (b), ~~by July 1,~~  
16 ~~2011,~~ a school district shall provide access to free, fresh drinking  
17 water during meal times in the food service areas of the schools  
18 under its jurisdiction, including, but not necessarily limited to,  
19 areas where reimbursable meals under the National School Lunch  
20 Program or the federal School Breakfast Program are served or  
21 consumed. A school district may comply with this section by,  
22 among other means, providing cups and containers of water or  
23 soliciting or receiving donated bottled water.

24 (b) The governing board of a school district may adopt a  
25 resolution stating that it is unable to comply with the requirements  
26 of this section and demonstrating the reasons why it is unable to  
27 comply due to fiscal constraints or health and safety concerns. The  
28 resolution shall be publicly noticed on at least two consecutive  
29 meeting agendas, first as an information item and second as an  
30 action item, and approved by at least a majority of the governing  
31 board *of the school district*.

32 (c) *The department may receive funds transferred from any*  
33 *available state and federal source, to be allocated by the*  
34 *department to school districts for the purpose of complying with*  
35 *the requirements of this section. The department shall identify*  
36 *available sources of funding, including, but not limited to, funds*  
37 *for safe drinking water programs administered by the department,*

- 1 *the State Department of Public Health, the Department of Water*
- 2 *Resources, and the State Water Resources Control Board.*

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