

AMENDED IN ASSEMBLY APRIL 13, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 496**

---

---

**Introduced by Assembly Member Rendon**

February 23, 2015

---

---

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

LEGISLATIVE COUNSEL'S DIGEST

AB 496, as amended, 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 consult with the State Water Resources Control Board's Division of Drinking Water Programs* to identify available sources of funding for ~~those purposes:~~ *school water quality and infrastructure. The bill would authorize school districts to use these funds for water quality projects including, but not limited to, water treatment, water facilities restructuring, water filling stations, and maintenance of water facilities.*

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:

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

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

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

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

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

15 SEC. 2. Section 38086 of the Education Code is amended to  
16 read:

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

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

34 (c) The department may receive funds transferred from any  
35 available state and federal source, to be allocated by the department  
36 to school districts for the purpose of complying with the  
37 requirements of this section. The department shall *consult with the*  
38 *State Water Resources Control Board's Division of Drinking Water*

1 *Programs to identify available sources of funding, including, but*  
2 *not limited to, funding from Proposition 1, approved by the voters*  
3 *at the November 4, 2014, statewide general election, funds for*  
4 *safe drinking water programs administered by the department, the*  
5 *State Department of Public Health, the Department of Water*  
6 *Resources, and the State Water Resources Control ~~Board~~ Board,*  
7 *other state funding, and federal funding available to fund school*  
8 *water quality and infrastructure.*  
9 *(d) School districts may use funds received pursuant to*  
10 *subdivision (c) for water quality projects including, but not limited*  
11 *to, water treatment, water facilities restructuring, water filling*  
12 *stations, and maintenance of water facilities.*