

AMENDED IN SENATE AUGUST 31, 2015

AMENDED IN SENATE AUGUST 24, 2015

AMENDED IN ASSEMBLY MAY 28, 2015

AMENDED IN ASSEMBLY MAY 4, 2015

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~~ *add Section 38086.1* to 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 specified state agencies, including the State Water Resources Control Board, to identify available sources

of funding for school water quality and infrastructure and to post that information on the department’s Internet Web site. 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, subject to all laws, guidelines, policies, and criteria applicable to the funds.

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~~

1 comply due to fiscal constraints or health and safety concerns. The
2 resolution shall be publicly noticed on at least two consecutive
3 meeting agendas, first as an information item and second as an
4 action item, and approved by at least a majority of the governing
5 board of the school district.

6 ~~(e) The department may receive funds transferred from any
7 available state and federal source, to be allocated by the department
8 to school districts for the purpose of complying with the
9 requirements of this section.~~

10 ~~(d) Subject to all laws, guidelines, policies, and criteria
11 applicable to the funds, school districts may use funds received
12 pursuant to subdivision (c) for water quality projects, including,
13 but not limited to, water treatment, water facilities restructuring,
14 water filling stations, and maintenance of water facilities.~~

15 ~~(e) The department shall do both of the following:~~

16 ~~(1) Consult with the State Department of Public Health, the
17 Department of Water Resources, and the State Water Resources
18 Control Board to identify available sources of funding, including,
19 but not limited to, funding from Proposition 1, approved by the
20 voters at the November 4, 2014, statewide general election, funds
21 for safe drinking water programs administered by the department,
22 the State Department of Public Health, the Department of Water
23 Resources, and the State Water Resources Control Board, other
24 state funding, and federal funding available to fund school water
25 quality and infrastructure.~~

26 ~~(2) Post the information collected pursuant to paragraph (1) on
27 the department's Internet Web site.~~

28 ~~(f) Nothing in this section affects criteria established by the
29 State Water Resources Control Board for funds and funding
30 programs administered by the State Water Resources Control
31 Board.~~

32 *SEC. 2. Section 38086.1 is added to the Education Code, to*
33 *read:*

34 *38086.1. (a) The department may receive funds transferred*
35 *from any available state and federal source, to be allocated by the*
36 *department to school districts for the purpose of complying with*
37 *the requirements of Section 38086.*

38 *(b) Subject to all laws, guidelines, policies, and criteria*
39 *applicable to the funds, school districts may use funds received*
40 *pursuant to subdivision (a) for water quality projects, including,*

1 *but not limited to, water treatment, water facilities restructuring,*
2 *water filling stations, and maintenance of water facilities.*

3 *(c) The department shall do both of the following:*

4 *(1) Consult with the State Department of Public Health, the*
5 *Department of Water Resources, and the State Water Resources*
6 *Control Board to identify available sources of funding, including,*
7 *but not limited to, funding from Proposition 1, approved by the*
8 *voters at the November 4, 2014, statewide general election, funds*
9 *for safe drinking water programs administered by the department,*
10 *the State Department of Public Health, the Department of Water*
11 *Resources, and the State Water Resources Control Board, other*
12 *state funding, and federal funding available to fund school water*
13 *quality and infrastructure.*

14 *(2) Post the information collected pursuant to paragraph (1)*
15 *on the department's Internet Web site.*

16 *(d) Nothing in this section or Section 38086 affects criteria*
17 *established by the State Water Resources Control Board for funds*
18 *and funding programs administered by the State Water Resources*
19 *Control Board.*