

AMENDED IN SENATE JUNE 20, 2016  
AMENDED IN ASSEMBLY MAY 27, 2016  
AMENDED IN ASSEMBLY APRIL 26, 2016  
AMENDED IN ASSEMBLY APRIL 13, 2016  
AMENDED IN ASSEMBLY APRIL 5, 2016  
AMENDED IN ASSEMBLY MARCH 31, 2016  
AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 2124**

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**Introduced by Assembly Members Eduardo Garcia and Lackey**  
**(~~Coauthors: Coauthor: Assembly Members Alejo and Gonzalez~~**  
***Member Alejo*)**

February 17, 2016

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An act to ~~add~~ *amend* Section ~~189.3~~ to the ~~Water Code~~, 52060 of the *Education Code*, and to amend Section 116385 of the *Health and Safety Code*, relating to ~~water~~, and making an appropriation therefor. *water*.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2124, as amended, Eduardo Garcia. ~~State Water Resources Control Board: grant program for school drinking water. Water: testing and reports.~~

*Existing law, the California Safe Drinking Water Act, governs drinking water quality and requires the State Water Resources Control Board (state board) to ensure that all public water systems are operated in compliance with the act. The act requires a person operating a public*

water system to obtain and provide an analysis of the water to the state board, as provided. Under the act, a person who knowingly makes a false statement or representation in a report submitted, maintained, or used for purposes of compliance with the act may be subject to a misdemeanor.

This bill would require the person to include in the analysis samples from schools, day care facilities, and health care facilities, to the extent those locations are within the public water system. The bill would require the person to report to the state board other information regarding the samples taken at those sites. The bill would require the state board to post this information on its Internet Web site, as provided. The bill would also require the person to report to the state board the public and private schools to which the public water system provides water. Because a misstatement in these reports could be a crime under the provision described above, this bill would impose a state-mandated local program by expanding the scope of a crime.

Existing law requires the governing board of each school district to adopt a local control and accountability plan as provided and to annually update this plan. Existing law requires the plan to include certain elements.

This bill would require the plan to also include an assessment of the water access points at each school in the school district, including the number, location, and whether the access points are in good condition, among other things. The bill would require the governing board of the school district to report progress on addressing any deficiencies in its annual update to the local control accountability plan. By imposing new duties on the governing board of a school district, the bill would create a state-mandated local program. The bill would require the State Department of Education to share this information with the state board, for the board to post on its Internet Web site.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~Existing law requires a school district to provide access to free, fresh drinking water during meal times in school food service areas, unless the governing board of a school district adopts a resolution stating that it is unable to comply with this requirement and demonstrating the reasons why it is unable to comply due to fiscal constraints or health and safety concerns.~~

~~Existing law, the California Safe Drinking Water Act, governs drinking water quality and requires the State Water Resources Control Board to ensure that all public water systems are operated in compliance with the act. Among other things, the act requires the board to adopt primary drinking water standards for contaminants in drinking water, as specified.~~

~~This bill would require the board to establish a grant program to award grants to public elementary and secondary schools to improve access to, and the quality of, drinking water at those schools. The bill would specify various types of projects that will provide students and school staff with access to safe drinking water for which these grants could be awarded. The bill would require the board to give priority to applicants that serve a very small disadvantaged community, as defined, and applicants that are served by public water systems that the board finds consistently fail to provide an adequate supply of safe drinking water. The bill would require the board to develop procedures for the submission of applications for grants by local educational agencies and criteria for the evaluation of these applications, as specified.~~

~~The bill would appropriate \$10,000,000, without regard to fiscal years, from the General Fund to the board for allocation to local educational agencies as grants made pursuant to the bill. The bill would provide that funds allocated to local educational agencies pursuant to this bill would supplement, and not supplant, the other state funds apportioned to these local educational agencies for their support. To the extent that the funds appropriated by this bill are allocated to school districts, the amount of these funds would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.~~

~~The bill would require the board to provide to the appropriate policy and fiscal committees of the Legislature certain data within 6 months after the allocation of the funds appropriated by the bill to local educational agencies.~~

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

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

1     *SECTION 1. Section 52060 of the Education Code is amended*  
2     *to read:*

3     52060. (a) On or before July 1, 2014, the governing board of  
4     each school district shall adopt a local control and accountability  
5     plan using a template adopted by the state board.

6     (b) A local control and accountability plan adopted by the  
7     governing board of a school district shall be effective for a period  
8     of three years, and shall be updated on or before July 1 of each  
9     year.

10    (c) A local control and accountability plan adopted by the  
11    governing board of a school district shall include, for the school  
12    district and each school within the school district, ~~both~~ *all* of the  
13    following:

14    (1) A description of the annual goals, for all pupils and each  
15    subgroup of pupils identified pursuant to Section 52052, to be  
16    achieved for each of the state priorities identified in subdivision  
17    (d) and for any additional local priorities identified by the  
18    governing board of the school district. For purposes of this article,  
19    a subgroup of pupils identified pursuant to Section 52052 shall be  
20    a numerically significant pupil subgroup as specified in paragraphs  
21    (2) and (3) of subdivision (a) of Section 52052.

22    (2) A description of the specific actions the school district will  
23    take during each year of the local control and accountability plan  
24    to achieve the goals identified in paragraph (1), including the  
25    enumeration of any specific actions necessary for that year to  
26    correct any deficiencies in regard to the state priorities listed in  
27    paragraph (1) of subdivision (d). The specific actions shall not  
28    supersede the provisions of existing local collective bargaining  
29    agreements within the jurisdiction of the school district.

30    (3) (A) *An assessment of the water access points at each school*  
31    *in the district, including the number, location, and whether the*  
32    *access points are in good condition. The school district shall also*  
33    *include goals and actions to address any deficiencies uncovered*  
34    *by the assessment. The governing board of the school district shall*

1 *report progress on addressing the deficiencies in its annual update*  
2 *required pursuant to subdivision (b).*

3 (B) *The department shall compile these assessments and transmit*  
4 *them to the State Water Resources Control Board.*

5 (d) All of the following are state priorities:

6 (1) The degree to which the teachers of the school district are  
7 appropriately assigned in accordance with Section 44258.9, and  
8 fully credentialed in the subject areas, and, for the pupils they are  
9 teaching, every pupil in the school district has sufficient access to  
10 the standards-aligned instructional materials as determined pursuant  
11 to Section 60119, and school facilities are maintained in good  
12 repair, as defined in subdivision (d) of Section 17002.

13 (2) Implementation of the academic content and performance  
14 standards adopted by the state board, including how the programs  
15 and services will enable English learners to access the common  
16 core academic content standards adopted pursuant to Section  
17 60605.8 and the English language development standards adopted  
18 pursuant to former Section 60811.3, as that section read on June  
19 30, 2013, or Section 60811.4, for purposes of gaining academic  
20 content knowledge and English language proficiency.

21 (3) Parental involvement, including efforts the school district  
22 makes to seek parent input in making decisions for the school  
23 district and each individual schoolsite, and including how the  
24 school district will promote parental participation in programs for  
25 unduplicated pupils and individuals with exceptional needs.

26 (4) Pupil achievement, as measured by all of the following, as  
27 applicable:

28 (A) Statewide assessments administered pursuant to Article 4  
29 (commencing with Section 60640) of Chapter 5 of Part 33 or any  
30 subsequent assessment, as certified by the state board.

31 (B) The Academic Performance Index, as described in Section  
32 52052.

33 (C) The percentage of pupils who have successfully completed  
34 courses that satisfy the requirements for entrance to the University  
35 of California and the California State University, or career technical  
36 education sequences or programs of study that align with state  
37 board-approved career technical education standards and  
38 frameworks, including, but not limited to, those described in  
39 subdivision (a) of Section 52302, subdivision (a) of Section  
40 52372.5, or paragraph (2) of subdivision (e) of Section 54692.

(D) The percentage of English learner pupils who make progress toward English proficiency as measured by the California English Language Development Test or any subsequent assessment of English proficiency, as certified by the state board.

(E) The English learner reclassification rate.

(F) The percentage of pupils who have passed an advanced placement examination with a score of 3 or higher.

(G) The percentage of pupils who participate in, and demonstrate college preparedness pursuant to, the Early Assessment Program, as described in Chapter 6 (commencing with Section 99300) of Part 65 of Division 14 of Title 3, or any subsequent assessment of college preparedness.

(5) Pupil engagement, as measured by all of the following, as applicable:

(A) School attendance rates.

(B) Chronic absenteeism rates.

(C) Middle school dropout rates, as described in paragraph (3) of subdivision (a) of Section 52052.1.

(D) High school dropout rates.

(E) High school graduation rates.

(6) School climate, as measured by all of the following, as applicable:

(A) Pupil suspension rates.

(B) Pupil expulsion rates.

(C) Other local measures, including surveys of pupils, parents, and teachers on the sense of safety and school connectedness.

(7) The extent to which pupils have access to, and are enrolled in, a broad course of study that includes all of the subject areas described in Section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable, including the programs and services developed and provided to unduplicated pupils and individuals with exceptional needs, and the programs and services that are provided to benefit these pupils as a result of the funding received pursuant to Section 42238.02, as implemented by Section 42238.03.

(8) Pupil outcomes, if available, in the subject areas described in Section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable.

(e) For purposes of the descriptions required by subdivision (c), the governing board of a school district may consider qualitative

1 information, including, but not limited to, findings that result from  
2 school quality reviews conducted pursuant to subparagraph (J) of  
3 paragraph (4) of subdivision (a) of Section 52052 or any other  
4 reviews.

5 (f) To the extent practicable, data reported in a local control and  
6 accountability plan shall be reported in a manner consistent with  
7 how information is reported on a school accountability report card.

8 (g) The governing board of a school district shall consult with  
9 teachers, principals, administrators, other school personnel, local  
10 bargaining units of the school district, parents, and pupils in  
11 developing a local control and accountability plan.

12 (h) A school district may identify local priorities, goals in regard  
13 to the local priorities, and the method for measuring the school  
14 district's progress toward achieving those goals.

15 *SEC. 2. Section 116385 of the Health and Safety Code is*  
16 *amended to read:*

17 116385. ~~Any~~ (a) A person operating a public water system  
18 shall obtain and provide at that person's expense an analysis of  
19 the water to the ~~department~~, *state board*, in the form, covering  
20 those matters, and at intervals as the ~~department~~ *state board* by  
21 regulation may prescribe. The analysis shall be performed by a  
22 laboratory duly certified by the ~~department~~. *state board*.

23 (b) (1) *The person shall include samples from schools, day care*  
24 *facilities, and health care facilities, to the extent that these*  
25 *locations are within the public water system.*

26 (2) *This subdivision does not require an increase in the number*  
27 *of samples a person collects.*

28 (c) (1) *The person shall report to the state board the date and*  
29 *results of any sampling at a school, day care facility, and health*  
30 *care facility, and where relevant, the contents of any notice issued*  
31 *to the school or day care facility, students, or parents, and any*  
32 *notices to the health care facility, and any followup action taken*  
33 *to mitigate contamination.*

34 (2) *The person operating a public water system shall report to*  
35 *the state board, in a format and on a frequency determined by the*  
36 *state board, a list of the public and private schools serving*  
37 *kindergarten or any of grades 1 to 12, inclusive, to which the public*  
38 *water system provides water. The state board may also require a*  
39 *person operating a public water system to identify other facilities*  
40 *that serve populations, such as young children, that may be*

1 sensitive to drinking water contamination and to which the public  
2 water system provides water.

3 (3) The state board shall post the information contained in  
4 paragraph (1) and information it receives from the State  
5 Department of Education pursuant to subparagraph (B) of  
6 paragraph (3) of subdivision (c) of Section 52060 of the Education  
7 Code to its Internet Web site in a manner that is searchable by  
8 school and school district. The state board shall also include a  
9 link to the public water system's most recent consumer confidence  
10 report.

11 SEC. 3. No reimbursement is required by this act pursuant to  
12 Section 6 of Article XIII B of the California Constitution for certain  
13 costs that may be incurred by a local agency or school district  
14 because, in that regard, this act creates a new crime or infraction,  
15 eliminates a crime or infraction, or changes the penalty for a crime  
16 or infraction, within the meaning of Section 17556 of the  
17 Government Code, or changes the definition of a crime within the  
18 meaning of Section 6 of Article XIII B of the California  
19 Constitution.

20 However, if the Commission on State Mandates determines that  
21 this act contains other costs mandated by the state, reimbursement  
22 to local agencies and school districts for those costs shall be made  
23 pursuant to Part 7 (commencing with Section 17500) of Division  
24 4 of Title 2 of the Government Code.

25 ~~SECTION 1. Section 189.3 is added to the Water Code, to~~  
26 ~~read:~~

27 ~~189.3. (a) The board shall establish a grant program to award~~  
28 ~~grants to public elementary and secondary schools to improve~~  
29 ~~access to, and the quality of, drinking water at those schools. The~~  
30 ~~board may award grants under this section for projects that will~~  
31 ~~provide students and school staff with access to safe drinking~~  
32 ~~water, including, but not necessarily limited to, any of the~~  
33 ~~following:~~

34 ~~(1) Installation of water bottle filling stations.~~

35 ~~(2) Installation or replacement of drinking water fountains with~~  
36 ~~devices that are capable of removing any contaminants that are~~  
37 ~~present in the school's water supply.~~

38 ~~(3) Installation of point-of-entry or point-of-use treatment~~  
39 ~~devices.~~

40 ~~(4) Plumbing repairs that improve drinking water quality.~~



~~(b) The board shall implement this section by taking actions including, but not necessarily limited to, the development of procedures for the submission of applications for grants by local educational agencies and criteria for the evaluation of these applications. The actions taken by the board pursuant to this subdivision shall not be subject to the rulemaking requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.~~

~~(c) (1) In developing the procedure for awarding grants, the board shall do each of the following:~~

~~(A) Set requirements for grant recipients to adopt a program for inspecting and maintaining any water treatment device funded by the grant.~~

~~(B) Establish a maximum grant amount.~~

~~(C) Give priority to each of the following:~~

~~(i) Applicants that serve a very small disadvantaged community.~~

~~(ii) Applicants that are served by public water systems that the board finds consistently fail to provide an adequate supply of safe drinking water.~~

~~(2) In developing the procedure for awarding grants, the board may encourage applicants to commit additional resources to the project, except that the board shall not require matching funds for local educational agencies serving very small disadvantaged communities or interfere with the prioritization of grant funding to very small disadvantaged communities.~~

~~(d) For purposes of this section, "very small disadvantaged community" means a municipality with a population of 10,000 persons or less, or a reasonably isolated and divisible segment of a larger municipality encompassing 10,000 persons or less, with an annual median household income that is less than 80 percent of the statewide annual median household income.~~

~~SEC. 2. (a) The sum of ten million dollars (\$10,000,000) is hereby appropriated, without regard to fiscal years, from the General Fund to the State Water Resources Control Board for allocation to local educational agencies as grants to improve access to, and the quality of, drinking water at public elementary and secondary schools pursuant to Section 189.3 of the Water Code. The funds allocated to local educational agencies pursuant to this section shall supplement, and not supplant, the other state funds apportioned to these local educational agencies for their support.~~

- 1     ~~(b) Within six months after the allocation of the funds to local~~  
2     ~~educational agencies, the State Water Resources Control Board~~  
3     ~~shall provide to the appropriate policy and fiscal committees of~~  
4     ~~the Legislature data relating to the allocation that include a~~  
5     ~~summary of the following:~~  
6     ~~(1) The number and percentages of the types of projects funded~~  
7     ~~pursuant to subdivision (a) of Section 189.3 of the Water Code.~~  
8     ~~(2) The average amount of funding per application.~~  
9     ~~(3) The geographical distribution of the grants.~~