

AMENDED IN SENATE JUNE 23, 2016

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

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

February 17, 2016

An act to amend Section ~~52060~~ of the Education Code, and to amend Section 116385 of the Health and Safety Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2124, as amended, Eduardo Garcia. 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.~~

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 no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: 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, 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

1 by the assessment. The governing board of the school district shall
2 report progress on addressing the deficiencies in its annual update
3 required pursuant to subdivision (b).

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

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

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

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

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

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

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

32 (B) The Academic Performance Index, as described in Section
33 52052.

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

- 1 ~~subdivision (a) of Section 52302, subdivision (a) of Section~~
2 ~~52372.5, or paragraph (2) of subdivision (e) of Section 54692.~~
3 ~~(D) The percentage of English learner pupils who make progress~~
4 ~~toward English proficiency as measured by the California English~~
5 ~~Language Development Test or any subsequent assessment of~~
6 ~~English proficiency, as certified by the state board.~~
7 ~~(E) The English learner reclassification rate.~~
8 ~~(F) The percentage of pupils who have passed an advanced~~
9 ~~placement examination with a score of 3 or higher.~~
10 ~~(G) The percentage of pupils who participate in, and demonstrate~~
11 ~~college preparedness pursuant to, the Early Assessment Program,~~
12 ~~as described in Chapter 6 (commencing with Section 99300) of~~
13 ~~Part 65 of Division 14 of Title 3, or any subsequent assessment of~~
14 ~~college preparedness.~~
15 ~~(5) Pupil engagement, as measured by all of the following, as~~
16 ~~applicable:~~
17 ~~(A) School attendance rates.~~
18 ~~(B) Chronic absenteeism rates.~~
19 ~~(C) Middle school dropout rates, as described in paragraph (3)~~
20 ~~of subdivision (a) of Section 52052.1.~~
21 ~~(D) High school dropout rates.~~
22 ~~(E) High school graduation rates.~~
23 ~~(6) School climate, as measured by all of the following, as~~
24 ~~applicable:~~
25 ~~(A) Pupil suspension rates.~~
26 ~~(B) Pupil expulsion rates.~~
27 ~~(C) Other local measures, including surveys of pupils, parents,~~
28 ~~and teachers on the sense of safety and school connectedness.~~
29 ~~(7) The extent to which pupils have access to, and are enrolled~~
30 ~~in, a broad course of study that includes all of the subject areas~~
31 ~~described in Section 51210 and subdivisions (a) to (i), inclusive,~~
32 ~~of Section 51220, as applicable, including the programs and~~
33 ~~services developed and provided to unduplicated pupils and~~
34 ~~individuals with exceptional needs, and the programs and services~~
35 ~~that are provided to benefit these pupils as a result of the funding~~
36 ~~received pursuant to Section 42238.02, as implemented by Section~~
37 ~~42238.03.~~
38 ~~(8) Pupil outcomes, if available, in the subject areas described~~
39 ~~in Section 51210 and subdivisions (a) to (i), inclusive, of Section~~
40 ~~51220, as applicable.~~

1 ~~(e) For purposes of the descriptions required by subdivision (c),~~
 2 ~~the governing board of a school district may consider qualitative~~
 3 ~~information, including, but not limited to, findings that result from~~
 4 ~~school quality reviews conducted pursuant to subparagraph (J) of~~
 5 ~~paragraph (4) of subdivision (a) of Section 52052 or any other~~
 6 ~~reviews.~~

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

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

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

17 ~~SEC. 2.~~

18 ~~SECTION 1.~~ Section 116385 of the Health and Safety Code is
 19 amended to read:

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

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

29 (2) This subdivision does not require an increase in the number
 30 of samples a person collects.

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

37 (2) The person operating a public water system shall report to
 38 the state board, in a format and on a frequency determined by the
 39 state board, a list of the public and private schools serving
 40 kindergarten or any of grades 1 to 12, inclusive, to which the public

1 water system provides water. The state board may also require a
2 person operating a public water system to identify other facilities
3 that serve populations, such as young children, that may be
4 sensitive to drinking water contamination and to which the public
5 water system provides water.

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

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

22 However, if the Commission on State Mandates determines that
23 this act contains other costs mandated by the state, reimbursement
24 to local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code.

27 *SEC. 2. No reimbursement is required by this act pursuant to*
28 *Section 6 of Article XIII B of the California Constitution because*
29 *the only costs that may be incurred by a local agency or school*
30 *district will be incurred because this act creates a new crime or*
31 *infraction, eliminates a crime or infraction, or changes the penalty*
32 *for a crime or infraction, within the meaning of Section 17556 of*
33 *the Government Code, or changes the definition of a crime within*
34 *the meaning of Section 6 of Article XIII B of the California*
35 *Constitution.*