

Introduced by Senator LeyvaFebruary 23, 2015

An act to amend Section 38086 of, and to add Article 13 (commencing with Section 49580) to Chapter 9 of Part 27 of Division 4 of Title 2 of, the Education Code, relating to pupil nutrition.

LEGISLATIVE COUNSEL'S DIGEST

SB 334, as introduced, Leyva. Pupil nutrition: drinking water.

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 requires the resolution to be publicly noticed on at least 2 consecutive meeting agendas and approved by at least a majority of the governing board of the school district.

This bill would delete the provision authorizing a school district to adopt a resolution stating that it is unable to provide access to free, fresh drinking water during meal times. The bill would instead specify that a school district shall provide access to free, fresh, clean, and cold drinking water during meal times through the use of drinking water access points, as defined. The bill also would require a school district to provide access to free, fresh, clean, and cold drinking water throughout the schoolday, including, but not limited to, during recreation times, as specified. By imposing additional duties on school districts, this bill would impose a state-mandated local program.

This bill would require a school district to, before the beginning of each school year, test, or provide for the testing of, drinking water for contaminants to ensure the drinking water meets specified drinking

water quality standards, as provided. If the drinking water does not meet the specified drinking water quality standards, the bill would require a school district to provide alternative sources of free, fresh, clean, and cold drinking water to pupils. The bill also would require schools to provide public notices of the drinking water quality test results, as specified. By imposing additional duties on schools and school districts, this bill would impose a state-mandated local program.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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 38086 of the Education Code is amended
 2 to read:
 3 38086. (a) ~~Except as provided in subdivision (b), by July 1,~~
 4 ~~2011, a~~A school district shall provide access to free, ~~fresh~~ *fresh,*
 5 *clean, and cold* drinking water during meal times in the food
 6 service areas of the schools under its jurisdiction, including, but
 7 not necessarily limited to, areas where reimbursable meals under
 8 the National School Lunch Program or the federal School Breakfast
 9 Program are served or consumed. A school district may comply
 10 with this section by, among other means, providing cups and
 11 containers of water or soliciting or receiving donated bottled water.
 12 ~~(b) The governing board of a school district may adopt a~~
 13 ~~resolution stating that it is unable to comply with the requirements~~
 14 ~~of this section and demonstrating the reasons why it is unable to~~
 15 ~~comply due to fiscal constraints or health and safety concerns. The~~
 16 ~~resolution shall be publicly noticed on at least two consecutive~~
 17 ~~meeting agendas, first as an information item and second as an~~
 18 ~~action item, and approved by at least a majority of the governing~~
 19 ~~board.~~

1 (b) A school district shall comply with this section through the
2 use of drinking water access points, as prescribed by Section
3 49580.

4 SEC. 2. Article 13 (commencing with Section 49580) is added
5 to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education
6 Code, to read:

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Article 13. Drinking Water

10 49580. (a) A school district shall provide access to free, fresh,
11 clean, and cold drinking water throughout the schoolday, including,
12 but not limited to, during both of the following:

13 (1) Meal times, as provided for in Section 38086.

14 (2) Recreation times, including, but not limited to, while pupils
15 are engaged in physical activity, in the recreation areas of the
16 schools under its jurisdiction. Recreation areas are any areas in
17 which pupils participate in recreation, including, but not limited
18 to, playgrounds, gymnasiums, cafeterias, and recreation centers.

19 (b) A school district shall comply with this section by providing
20 one or more drinking water access points for every 100 pupils
21 enrolled in the school.

22 (c) For purposes of this section, “drinking water access point”
23 is defined as a station, plumbed or unplumbed, where pupils can
24 access free, fresh, clean, and cold drinking water. An unplumbed
25 access point may include water bottles and portable water
26 dispensers.

27 49581. (a) Before the beginning of each school year, a school
28 district shall test, or provide for the testing of, drinking water for
29 contaminants, including, but not limited to, lead and perchlorates,
30 that the school district receives from municipal water systems or
31 other water systems that the school district is going to provide in
32 school facilities, at the schoolsite at which the drinking water will
33 be provided, to ensure the drinking water meets drinking water
34 quality standards prescribed by the California Safe Drinking Water
35 Act (Chapter 4 (commencing with Section 116270) of Part 12 of
36 Division 104 of the Health and Safety Code) and any implementing
37 regulations and the federal Safe Drinking Water Act of 1996 (42
38 U.S.C. Sec. 300f et seq.) and any implementing regulations.

39 (b) If the drinking water the school district receives from a
40 municipal water system or other water system does not meet the

1 standards specified in subdivision (a), the school district shall
2 provide alternative sources of free, fresh, clean, and cold drinking
3 water to pupils.

4 (c) Each school shall provide a public notice of the drinking
5 water quality test results obtained pursuant to subdivision (a) to
6 pupils, parents, and teachers. The notice shall clearly specify
7 whether the drinking water provided at the school is potable water,
8 as defined in Section 113869 of the Health and Safety Code.

9 SEC. 3. If the Commission on State Mandates determines that
10 this act contains costs mandated by the state, reimbursement to
11 local agencies and school districts for those costs shall be made
12 pursuant to Part 7 (commencing with Section 17500) of Division
13 4 of Title 2 of the Government Code.