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SB-334 Pupil health: drinking water. (2015-2016)

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PASSED IN SENATE SEPTEMBER 10, 2015
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CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

SENATE BILL

NO. 334

**Introduced by Senator Leyva
(Coauthors: Senators Leno and Pavley)**

February 23, 2015

An act to amend Sections 32242 and 38086 of, to add Sections 32241.5, 32246, and 32249 to, 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 health.

LEGISLATIVE COUNSEL'S DIGEST

SB 334, Leyva. Pupil health: drinking water.

(1) 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, and clean drinking water during meal times through the use of drinking water access points, as defined. By imposing additional duties on school districts, this bill would impose a state-mandated local program.

This bill would require a school district that has drinking water sources with drinking water that does not meet the United States Environmental Protection Agency drinking water standards for lead or any other contaminant to close access to those drinking water sources, to provide alternative drinking water sources, as specified, and to notify specified persons if the school district is required to provide those alternative drinking water sources. By imposing additional duties on pupil schools and school districts, this bill would impose a state-mandated local program.

(2) Under existing law, known as the Lead-Safe Schools Protection Act, the State Department of Public Health is required to perform various activities related to reducing the risk of exposure to lead hazards in public schools, including, among other activities, working with the State Department of Education to develop voluntary guidelines to ensure that lead hazards are minimized in the course of school repair and maintenance programs and abatement procedures.

This bill would repeal the requirement that the State Department of Public Health develop voluntary guidelines. The bill would instead require the State Department of Education to make information available to school districts about the United States Environmental Protection Agency's technical guidance for reducing lead in drinking water in schools. The bill would prohibit drinking water that does not meet the United States Environmental Protection Agency drinking water standards for lead from being provided at a school facility. The bill would require a public school that has lead-containing plumbing components to flush all drinking water sources at the beginning of each schoolday, except as provided. By imposing additional duties on public schools and school districts, this bill would impose a state-mandated local program.

(3) 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 Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 32241.5 is added to the Education Code, to read:

32241.5. The department shall make information available to school districts, by posting on its Internet Web site or through any other means for distributing information it deems effective, about the United States Environmental Protection Agency's technical guidance for reducing lead in drinking water in schools.

SEC. 2. Section 32242 of the Education Code is amended to read:

32242. The State Department of Public Health shall do all of the following:

(a) Design and implement a strategy for identifying the characteristics of high-risk schools and provide a basis for statewide estimates of the presence of lead in schools attended by young children.

(b) Conduct a sample survey, as described in Section 32241, to determine the likely extent and distribution of lead exposure to children from paint on the school, soil in play areas at the school, drinking water at the tap, and other potential sources identified by the State Department of Public Health for this purpose. To the maximum extent possible, limited sample testing shall be used to validate survey results. The State Department of Public Health shall compile and summarize the results of that survey and report those results to the Legislature and the department.

(c) Within 60 days of the completion of testing a schoolsite, the State Department of Public Health shall notify the principal of the school or director of the schoolsite of the survey results. Within 45 days of receiving the survey results, the principal or director, as the case may be, shall notify the teachers and other school personnel and parents of the survey results.

(d) Make recommendations to the Legislature and the department, based on the survey results and consideration of appropriate federal and state standards, on the feasibility and necessity of conducting statewide lead testing and any additional action needed relating to lead contamination in the schools.

(e) As deemed necessary and appropriate in view of the survey results, develop environmental lead testing methods and standards to ensure the scientific integrity of results, for use by schools and contractors designated by schools for that purpose.

(f) Evaluate the most current cost-effective lead abatement technologies.

SEC. 3. Section 32246 is added to the Education Code, to read:

32246. Drinking water that does not meet the United States Environmental Protection Agency drinking water standards for lead shall not be provided at a school facility.

SEC. 4. Section 32249 is added to the Education Code, to read:

32249. A school that has lead-containing plumbing components shall flush all drinking water sources at the beginning of each schoolday, consistent with protocols recommended by the United States Environmental Protection Agency. A school is not required to flush drinking water sources that have been shut off or have been certified as meeting the United States Environmental Protection Agency's drinking water standards for lead.

SEC. 5. Section 38086 of the Education Code is amended to read:

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

(b) A school district shall comply with this section through the use of drinking water access points.

(c) For purposes of this section, "drinking water access point" is defined as a station, plumbed or unplumbed, where pupils can access free, fresh, and clean drinking water. An unplumbed access point may include water bottles and portable water dispensers.

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

Article 13. Drinking Water

49580. (a) A school district that has drinking water sources with drinking water that does not meet the United States Environmental Protection Agency drinking water standards for lead or any other contaminant shall close access to those drinking water sources immediately upon receipt of test results or notification from the public water system.

(b) (1) If, as a result of closing access to a drinking water source pursuant to subdivision (a), a schoolsite within a school district no longer has the minimum number of drinking fountains required pursuant to Chapter 4 (commencing with Section 401.0) of the California Plumbing Code (Part 5 of Title 24 of the California Code of Regulations), the school district shall provide alternative drinking water sources at that schoolsite.

(2) An alternative drinking water source provided pursuant to this subdivision while the source of contamination is being mitigated may be from plumbed or unplumbed sources. Unplumbed sources may include, but are not limited to, portable water sources and bottled water.

(c) A school district shall notify parents or legal guardians, pupils, teachers, and other school personnel of drinking water test results, immediately upon receipt of those test results, if the school district is required to provide alternative drinking water sources.

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