



## DRINKING WATER IN CHILD CARE CENTERS & SCHOOLS

# CALIFORNIA

State Policy Profile

Access to safe and appealing drinking water in child care and schools is a key strategy to build healthy habits that children will use for life to maintain a healthy body weight and to support overall health.

**RESEARCH METHODS:** This issue brief summarizes state-level policies that govern drinking water access and quality in licensed child care centers and public school buildings. Findings reflect laws and regulations in effect as of June 2017. The following state-level policies were reviewed for relevant provisions:

- Child care licensing regulations
- School building standards
- School nutrition standards
- School sanitation standards
- School facilities inventory requirements
- School joint purchasing provisions
- Food safety codes
- Plumbing codes
- Childhood lead poisoning prevention program regulations

## CHILD CARE CENTERS

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### Access to Drinking Water

**Is there a general state policy requiring that children be provided drinking water?**

Yes. As a condition of licensing, child care centers are subject to the following drinking water access requirements:

(a) Drinking water from a noncontaminating fixture or container shall be readily available both indoors and in the outdoor activity area.

(1) Children shall be free to drink as they wish.

(2) Anchored steps or a broad-based platform shall be utilized when a drinking fountain is too high for the children in care.<sup>1</sup>

Bottled water and portable water containers are permitted so long as: “The water and containers are kept free of contamination,” and “Bottled water containers are secured to prevent tipping and breaking.”<sup>2</sup>

### **How many drinking fountains are required?**

The 2016 California Plumbing Code contains the following minimum fixture requirements for child care centers that are covered by the provisions for institutional occupancies serving any age that receives care for less than 24 hours:

<b>No. of drinking fountains required per occupant<sup>3</sup></b>	<b>Additional requirements<sup>4</sup></b>
1 per 150	-Where food is consumed indoors, water stations shall be permitted to be substituted for drinking fountains. -Bottle filling stations shall be permitted to be substituted for drinking fountains up to 50 percent of the requirements for drinking fountains.

### **Are there requirements for drinking fountain maintenance and cleanliness?**

Yes. As a condition of licensing, fixtures must be “noncontaminating.”<sup>5</sup>

## **Water Quality**

### **Is routine water quality testing of taps and fountains used to supply drinking water required?**

No routine testing at the tap is required, but drinking water in child care centers must be “potable” as defined by the California Building Code.<sup>6</sup>

Guidance to child care centers for this provision uses the following definition of potable water from the California Plumbing Code: “water that

is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the health authority having jurisdiction.”<sup>7</sup>

**How is water quality from a private water supply, e.g. a well, monitored?**

Child care centers with a private water supply must test for bacteriological contamination as a condition of initial licensing and on an ongoing basis. In order to obtain an initial license, child care centers with a private water supply must, in addition to compliance with other applicable water quality laws, “provide evidence of an onsite inspection of the source of the water and a bacteriological analysis that establishes the safety of the water. The inspection and the bacteriological analysis shall be conducted by the local health department, the California Department of Health Services or a licensed commercial laboratory.”<sup>8</sup> Subsequent to obtaining an initial license, child care centers with a private water supply that serve more than 6 children must test for bacteriological contamination periodically as follows<sup>9</sup>:

<b>Number of Children in Care</b>	<b>Frequency of Bacteriological Testing</b>
7-15	Annually
16-24	Semiannually
25+	Quarterly

**Is water quality addressed in food safety provisions applicable to child care centers?**

No. Licensed child care centers are subject to the food safety provisions contained in child care licensing provisions. Water quality is not currently addressed in the food safety provisions for child care centers but is addressed in other licensing requirements (see discussion above).<sup>10</sup>

**Does the Childhood Lead Poisoning Prevention Program address potential exposure to lead in drinking water in child care centers?**

No. The current program focus is on blood lead level monitoring for at risk children and home-based support services for children with elevated blood lead levels.<sup>11</sup>

## SCHOOLS

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### Access to Drinking Water

#### **Does state school nutrition policy address access to drinking water at no cost to students?**

Yes. California schools must “provide access to free, fresh drinking water during meal times in the food service areas of the schools..., including, but not necessarily limited to, areas where reimbursable meals under the National School Lunch Program or federal School Breakfast Program are served or consumed.”<sup>12</sup> The policy permits schools to opt out “due to fiscal constraints or health and safety concerns,” but in order to comply with a federal policy for water during meals “schools participating in the NSLP...cannot opt out of providing free drinking water to students.”<sup>13</sup>

#### **Are cups for drinking water required during meals?**

No

#### **Can school food service purchase drinking water supplies like cups through a purchasing collaborative?**

Yes, with prior approval by the State Superintendent of Public Instruction. In California, a joint powers authority (JPA) is formed when two or more public entities operate collectively. The California Education Code allows “public school districts and county offices of education (COEs) to form a JPA where the sole function of the JPA is to provide school food services.”<sup>14</sup> The California Education Code “allow[s] one or more separate school districts to combine the operation, management, and purchasing power of the individual food services into one, streamline daily operations, and appoint one management team to oversee the entire operation.”<sup>15</sup> JPA’s require prior approval by the State Superintendent of Public Instruction and must register with the Secretary of State.<sup>16</sup>

## What are the requirements for drinking fountains in schools?

California school building construction is regulated by the Division of the State Architect,<sup>17</sup> and school plumbing fixtures like drinking fountains are subject to the California State Plumbing Code.<sup>18</sup>

The 2016 California Plumbing Code defines drinking fountains as:

a plumbing fixture connected to the potable water distribution system and sanitary drainage system that provides drinking water in a flowing stream so that the user can consume water directly from the fixture without the use of accessories. Drinking fountains should also incorporate a bottle filling station, and can incorporate a water filter and a cooling system for chilling the drinking water.<sup>19</sup>

A bottle filling station is defined as a:

plumbing fixture connected to the potable water distribution system and sanitary drainage system that is designed and intended for filling personal use drinking water bottles or containers not less than 10 inches (254 mm) in height. Such fixtures can be separate from or integral to a drinking fountain and can incorporate a water filter and a cooling system for chilling the drinking water.<sup>20</sup>

The 2016 California Plumbing Code contains the following minimum fixture requirements for school buildings:

<b>Setting</b>	<b>No. of drinking fountains required per occupant<sup>21</sup></b>	<b>Additional requirements<sup>22</sup></b>
Primary and secondary school buildings	1 per 150	<p>-Where food is consumed indoors, water stations shall be permitted to be substituted for drinking fountains.</p> <p>-Bottle filling stations shall be permitted to be substituted for drinking fountains up to 50 percent of the requirements for drinking fountains.</p>

In addition to general plumbing code requirements for safe plumbing materials, since 1994 the Lead-Safe Schools Protection Act has prohibited the use of lead plumbing and solders “in the construction of any new school facility or the modernization or renovation of any existing school facility.”<sup>23</sup>

### **What are the “good repair standards” for drinking fountains?**

The California Office of Public School Construction maintains good repair standards for schools and a Facility Inspection Tool (FIT) that is used to evaluate the condition of school buildings as part of the funding allocation process for the School Facility Program and the Deferred Maintenance Program.<sup>24</sup>

The FIT contains the following good repair standards for drinking fountains:

- [Fountains] appear to have been cleaned each day that school is in session  
Sinks/Fountains (Inside and Outside)
- a. Drinking fountains are accessible.
  - b. Water pressure is adequate.
  - c. A leak is not evident.
  - d. There is no moss, mold, or excessive staining on the fixtures.
  - e. The water is clear and without unusual taste or odor.
  - f. Other<sup>25</sup>

## **Water Quality**

### **Is routine water quality testing of taps and fountains that convey drinking water required?**

No, testing is not required. One-time voluntary testing through the local water supplier of up to five taps per public school building is available until 2019.

In 2017, the State Water Resources Control Board's Division of Drinking Water (Division), in collaboration with the California Department of Education school administrators began a program whereby school administrators “may request that their public water system collect and analyze up to five water samples at each K-12 school served by the water system [for lead]. The public water system and/or the State Water Resources Control Board can also provide technical assistance if an elevated lead sample site is found.”<sup>26</sup> This testing is available for schools “served by a municipality, water district, mutual water company, or other public water system.”<sup>27</sup>

### **Is there a reporting system for results of water quality testing in schools?**

As part of its program to provide financial support for voluntary lead testing in schools, the Water Resources Control Board developed a *School Lead Sampling and Reporting Tool* whereby public water suppliers are required to enter the schools they serve, track which schools have requested support for testing and upload test results.<sup>28</sup>

### **How is water quality from a private water supply, e.g. a well, monitored?**

According to the State Water Resources Control Board, approximately 500 of the California's 13,000 schools "are permitted as a public water system because they have their own water supply, such as a well."<sup>29</sup> In addition to other water quality monitoring, those schools are "required to test their taps for lead (and copper), and have been performing this testing for many years."<sup>30</sup>

### **How is water quality addressed in food safety provisions applicable to school food service?**

California food safety regulations require that drinking water comply with applicable state and federal water quality standards and all plumbing and fixtures must be maintained so as to be fully operational and to prevent contamination.

School food authorities are supposed to "obtain two food safety inspections from their state or local environmental health department (LEHD) annually."<sup>31</sup> The 2016 California Retail Food Code requires that food establishments (e.g. school food service) use a water supply that is "from a water system approved by the health officer or the local enforcement agency."<sup>32</sup> In addition, "[a]ll plumbing and plumbing fixtures shall be installed in compliance with applicable local plumbing ordinances, shall be maintained so as to prevent any contamination, and shall be kept clean, fully operative, and in good repair."<sup>33</sup>

## Are there any provisions relevant to water filters?

The California Department of Education has issued guidance stating that a water filtration system like a reverse osmosis filter system in a school kitchen is an allowable cost under the National School Lunch Program and the California Education Code, but require pre-approval and are evaluated on a case-by-case basis to ensure that:

- 1) The [school food service] program participants are the primary, if not exclusive, beneficiaries
- 2) The program operator can demonstrate that it has sufficient funds to purchase equipment
- 3) The program operator is lacking in capital improvement funding
- 4) The expenditure is necessary to carry out the program's mission<sup>34</sup>

In May of 2017, California approved \$9.5 in grant funds for school water infrastructure projects that can include “installation of point-of-entry (POE), or point-of-use (POU) treatment devices for water bottle filling stations, drinking fountains, and other fixtures that provide water for human consumption, including up to three years of: replacement filters, operation and maintenance (O&M), and monitoring of POE or POU devices.”<sup>35</sup>

### **Does the Lead Poisoning Prevention Program address potential exposure to lead in drinking water at schools?**

In the 1990’s, under the Lead-Safe Schools Protection Act, the California Department of Health conducted a one-time survey of lead hazards in school buildings including drinking water from the tap.<sup>36</sup> The current lead hazards program focus is on blood lead level monitoring for at risk children and home-based support services for children who have elevated blood lead

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For additional information please visit [www.phaionline.org](http://www.phaionline.org) for the summary report: **Developing State Policy Recommendations for Safe Drinking Water Procurement in Child Care Centers and Schools**

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<sup>1</sup> Cal. Code Regs. tit. 22, § 101239.2 (2017).

<sup>2</sup> Cal. Dept. of Social Servs., Community Care Licensing Div., Manual of Policies and Procedures 149 (eff. Nov. 1, 1998), <http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/Community-Care-Licensing-Regulations/Child-Care> (to access document select Article 7) (last accessed Jul. 19, 2017).

<sup>3</sup> 2016 Cal. Plumbing Code, Table 422.1 (eff. Jan. 1, 2017).

<sup>4</sup> 2016 Cal. Plumbing Code, § 415.2 (eff. Jan. 1, 2017).

<sup>5</sup> Cal. Code Regs. tit. 22, § 101239.2(a) (2017).

<sup>6</sup> Cal. Code Regs. tit. 22, § 101239.2 (2017).

<sup>7</sup> Cal. Dept. of Social Servs., Community Care Licensing Div., Manual of Policies and Procedures 149 (eff. Nov. 1, 1998), <http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/Community-Care-Licensing-Regulations/Child-Care> (to access document select Article 7) (last accessed Jul. 19, 2017).

; 2016 Cal. Plumbing Code, § 218.0 (eff. Jan. 1, 2017).

<sup>8</sup> Cal. Code Regs. tit. 22, § 101172(a)(1) (2017).

<sup>9</sup> Cal. Dept. of Social Servs., Community Care Licensing Div., Manual of Policies and Procedures 27 (eff. Mar. 24, 2015), <http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/Community-Care-Licensing-Regulations/Child-Care> (to access document select Article 3) (last accessed Jul. 19, 2017).

<sup>10</sup> Cal. Code Regs. tit. 22, § 101227 (2017).

<sup>11</sup> Cal. Dept. of Public Health, Childhood Lead Poisoning Prevention Branch, Public Health Services Available for Lead Exposed Children, [https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/CLPPB/Pages/prov\\_services.aspx](https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/CLPPB/Pages/prov_services.aspx) (last accessed July 19, 2017).

<sup>12</sup> Cal. Educ. Code § 38086 (2017).

<sup>13</sup> Cal. Dept. of Educ., Information Alert: Access to Free Water (June 2011), <http://www.cde.ca.gov/ls/nu/sn/iafreewater.asp> (last accessed July 19, 2017).

<sup>14</sup> Cal. Educ. Code § 41980 (2017).

<sup>15</sup> Id.

<sup>16</sup> Cal. Dept. of Educ., Restructuring Food Service Operations (Dec. 2009), <http://www.cde.ca.gov/ls/nu/sn/mbnsdsnp082009.asp> (last accessed July 19, 2017).

<sup>17</sup> 2016 Cal. Plumbing Code, § 1.1.3 (eff. Jan. 1, 2017).

<sup>18</sup> Cal. Dept. of Educ., K-12 Toilet Requirement Summary (last updated Feb. 8, 2017), <http://www.cde.ca.gov/ls/fa/sf/toiletrequire.asp> (last accessed July 19, 2017).

<sup>19</sup> 2016 Cal. Plumbing Code, § 203 (eff. Jan. 1, 2017).

<sup>20</sup> Id.

<sup>21</sup> 2016 Cal. Plumbing Code, Table 422.1 (eff. Jan. 1, 2017).

<sup>22</sup> 2016 Cal. Plumbing Code, Table 415.2 (eff. Jan. 1, 2017).

<sup>23</sup> Cal. Educ. Code § 32244 (2017).

<sup>24</sup> Cal. Dept. of General Servs., Office of Public School Construction, Good Repair Standards, <http://www.dgs.ca.gov/opsc/Programs/deferredmaintenanceprogram/goodrepairstandards.aspx> (last accessed July 19, 2017).

<sup>25</sup> Id.

<sup>26</sup> Cal. Env'tl. Prot. Agency, State Water Resources Control Bd., Lead Sampling of Drinking Water in California Schools (last updated July 7, 2017), [http://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/leadsamplinginschools.shtml](http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/leadsamplinginschools.shtml) (last accessed July 19, 2017).

<sup>27</sup> Id.

<sup>28</sup> Cal. Env'tl. Prot. Agency, State Water Resources Control Bd., School Lead Sampling and Reporting Tool, <https://drinc.ca.gov/lsics/> (last accessed July 19, 2017).

<sup>29</sup> Cal. Env'tl. Prot. Agency, State Water Resources Control Bd., Frequently Asked Questions by Public Water Systems about Lead Testing of Drinking Water in California Schools, [http://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/leadsamplinginschools.shtml](http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/leadsamplinginschools.shtml) (last accessed July 19, 2017).

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<sup>30</sup> Id.

<sup>31</sup> Cal. Dept. of Educ., Mandatory Food Safety Inspections—Reminder (Feb. 2014), <http://www.cde.ca.gov/ls/nu/sn/mbsnp092014.asp> (last accessed July 19, 2017).

<sup>32</sup> Cal. Health & Safety Code § 114192 (2017).

<sup>33</sup> Cal. Health & Safety Code § 114190 (2017).

<sup>34</sup> Cal. Dept. of Educ., Availability of Potable Water and Allowable Costs (Feb. 2017), <http://www.cde.ca.gov/ls/nu/sn/mbsnp052017cacfp022017.asp> (last accessed July 19, 2017).

<sup>35</sup> Cal. Env'tl. Prot. Agency, State Water Resources Control Bd., Drinking Water for Schools Grant Funding Program (June 7, 2017), [http://www.waterboards.ca.gov/water\\_issues/programs/grants\\_loans/schools/](http://www.waterboards.ca.gov/water_issues/programs/grants_loans/schools/) (last accessed July 19, 2017).

<sup>36</sup> Cal. Educ. Code §§ 32240-32245 (2017); Cal. Dept. of Public Health, Childhood Lead Poisoning Prevention Branch, California Statutes Related to Lead Poisoning Prevention, <https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/CLPPB/Pages/leg.aspx#> (last accessed July 19, 2017).

<sup>37</sup> Cal. Dept. of Public Health, Childhood Lead Poisoning Prevention Branch, Public Health Services Available for Lead Exposed Children, [https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/CLPPB/Pages/prov\\_services.aspx](https://www.cdph.ca.gov/Programs/CCDPHP/DEODC/CLPPB/Pages/prov_services.aspx) (last accessed July 19, 2017).