

By: Gervin-Hawkins

H.B. No. 42

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the adoption of a healthy and safe school water plan by
3 public schools.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter A, Chapter 38, Education Code, is
6 amended by adding Section 38.041 to read as follows:

7 Sec. 38.041. HEALTHY AND SAFE SCHOOL WATER PLAN. (a) In
8 this section:

9 (1) "Actionable lead level" means a hazardous,
10 actionable concentration of lead in water, as determined by the
11 commission.

12 (2) "Commission" means the Texas Commission on
13 Environmental Quality.

14 (3) "Community water system" means a public water
15 system that supplies water to the same population year-round.

16 (4) "Water source" means any running water tap that is
17 used for drinking or food preparation.

18 (b) Each school district shall adopt a healthy and safe
19 school water plan in accordance with rules adopted by the agency
20 under Subsection (c) and with rules adopted by the commission under
21 Subsection (d). The plan must include provisions for:

22 (1) periodic testing for lead in school water sources
23 by a community water system; and

24 (2) reducing exposure to elevated levels of lead in

1 school water sources.

2 (c) The agency, in consultation with the commission, shall
3 adopt rules to provide guidance to school districts on the adoption
4 of a healthy and safe school water plan under this section. In
5 providing guidance to districts under this section, the agency must
6 provide procedures for:

7 (1) collaboration with community water systems to
8 conduct directed public education and lead monitoring at the school
9 district campuses the community water systems service; and

10 (2) the manner in which a school district:

11 (A) must comply with Subsection (f); and

12 (B) may be reimbursed under Subsection (i).

13 (d) The commission shall adopt rules in accordance with 40
14 C.F.R. Part 141 to provide guidance to community water systems and
15 school districts regarding:

16 (1) sampling and testing for lead in school water
17 sources;

18 (2) the minimum lead concentration determined by the
19 commission to be an actionable lead level;

20 (3) the procedure for disabling a water source with an
21 actionable lead level, as determined by the commission; and

22 (4) the means by which a community water system or
23 school district may reduce lead in school water sources, including
24 by installing filters and replacing fixtures and water lines.

25 (e) Each community water system, in accordance with
26 commission rules adopted under Subsection (d), shall:

27 (1) designate an employee to act as the point of

1 contact between the commission and school districts served by the
2 community water system;

3 (2) contact school districts served by the community
4 water system, if applicable, to coordinate water source testing in
5 the district;

6 (3) test each water source in school districts served
7 by the community water system for the presence of lead;

8 (4) maintain records for each water source in each
9 school district served by the community water system, including:

10 (A) the location of the water source; and

11 (B) the date and results of each test conducted
12 under Subdivision (3) for lead in the water source; and

13 (5) submit a copy of the records described by
14 Subdivision (4):

15 (A) to the commission not less than once every
16 four years; and

17 (B) to the school district once the testing of a
18 district campus water source has been completed.

19 (f) In the manner prescribed by the rules adopted by the
20 agency under Subsection (c), each school district shall:

21 (1) designate an employee to act as the point of
22 contact for the commission, the community water system, and the
23 public regarding testing for lead in school water sources;

24 (2) publish the information described by Subsection
25 (e)(5) on each district campus's Internet website not later than
26 the fifth business day after the date the district receives the
27 information;

1 (3) notify the parent or legal guardian of each
2 student enrolled in the district and each district employee of the
3 results of each test conducted under Subsection (e)(3); and

4 (4) maintain a copy of the records submitted to the
5 district by the community water system under Subsection (e)(5).

6 (g) In the event that a school water source is determined by
7 the commission to have an actionable lead level, the school
8 district shall:

9 (1) restrict access to the water source not later than
10 48 hours after learning the results under Subsection (e)(5); and

11 (2) continue to restrict access to the water source
12 until a subsequent test, conducted after appropriate lead abatement
13 efforts are made, indicates the lead concentration at the source to
14 be below the actionable lead level.

15 (h) A school district may elect to perform the duties
16 imposed on a community water system under Subsection (e)
17 independently of and without assistance from the community water
18 system.

19 (i) To the extent that state and federal funds, including
20 funding from the Infrastructure Investment and Jobs Act (Pub. L.
21 No. 117-58) and the Water Resources Development Act of 2016 (Pub. L.
22 No. 114-322, Title I, 130 Stat. 1632), are available to the agency
23 for the purpose, the agency in coordination with the commission
24 shall develop a grant program under which the agency reimburses a
25 school district or a community water system for taking the
26 following actions related to water sources in the district or a
27 district served by the community water system, as applicable:

1 (1) testing lead concentrations;

2 (2) mitigating contamination through lead abatement
3 efforts, including:

4 (A) identifying the source of the contamination;

5 (B) installing filtration systems; and

6 (C) temporarily replacing the water source with
7 bottled water or water from another source; and

8 (3) replacing affected fixtures.

9 SECTION 2. Not later than September 1, 2024, each school
10 district and open-enrollment charter school shall adopt a healthy
11 and safe school water plan as required by Section 38.041, Education
12 Code, as added by this Act, and Section 12.104(b)(3)(K), Education
13 Code, as applicable.

14 SECTION 3. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect on the 91st day after the last day of the
19 legislative session.