

By: Gervin-Hawkins

H.B. No. 87

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 38.038 to read as follows:

7 Sec. 38.038. HEALTHY AND SAFE SCHOOL WATER PLAN. (a) In
8 this section:

9 (1) "Commission" means the Texas Commission on
10 Environmental Quality.

11 (2) "Water source" means any running water tap that is
12 used for drinking or food preparation.

13 (b) Each school district shall adopt a healthy and safe
14 school water plan in accordance with rules adopted by the
15 commission under Subsection (c). The plan must include provisions
16 for:

17 (1) periodic testing for lead in school water sources;
18 and

19 (2) reducing exposure to elevated levels of lead in
20 school water sources.

21 (c) The commission shall adopt rules to provide guidance to
22 school districts on the adoption of a healthy and safe school water
23 plan under this section. The rules adopted must be at least as
24 protective as the technical guidance for reducing lead in drinking

1 water in schools developed by the United States Environmental
2 Protection Agency.

3 (d) If the results of a school water source test for lead
4 show elevated levels of lead, the school district must restrict
5 access to the water source within 48 hours of learning of the test
6 results. The district must determine and mitigate the source of the
7 lead contamination before access to the water source is returned to
8 normal.

9 (e) Each school district shall:

10 (1) maintain records for each water source in the
11 district, including:

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

13 (B) the date and results of each test conducted
14 under Subsection (b)(1) for lead in the water source;

15 (2) submit a copy of the records described by
16 Subdivision (1) to the commission not less than once every four
17 years; and

18 (3) post the information described by Subdivision (1)
19 on the district's Internet website.

20 (f) Each school district shall notify the parent or legal
21 guardian of each student enrolled in the district and each district
22 employee of:

23 (1) the results of each test conducted under
24 Subsection (b)(1) for lead in a school water source not later than
25 24 hours after learning of the test results; and

26 (2) the accessibility of information regarding school
27 water source tests on the district's Internet website at least once

1 each school year.

2 (g) Each school district shall designate an employee to act
3 as the point of contact for the commission and the public regarding
4 testing for lead in school water sources under this section.

5 (h) The agency, in collaboration with the commission, the
6 Department of State Health Services, regional education service
7 centers, and other stakeholders, shall develop a model healthy and
8 safe school water plan that may be used by a school district to
9 comply with this section.

10 (i) To the extent that funds are available to the agency for
11 the purpose, the agency shall develop a program under which the
12 agency reimburses a school district for testing lead concentrations
13 in water sources at the district.

14 SECTION 2. (a) Not later than December 31, 2021, the Texas
15 Education Agency shall develop the model healthy and safe school
16 water plan required by Section 38.038, Education Code, as added by
17 this Act.

18 (b) Not later than September 1, 2022, each school district
19 and open-enrollment charter school shall adopt a healthy and safe
20 school water plan as required by Section 38.038, Education Code, as
21 added by this Act, and Section 12.104(b)(3)(K), Education Code, as
22 applicable.

23 SECTION 3. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect on the 91st day after the last day of the

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1 legislative session.