87R18612 MLH-D

By:  Gervin-Hawkins H.B. No. 605

Substitute the following for H.B. No. 605:

By:  Dutton C.S.H.B. No. 605

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1.  Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.038 to read as follows:

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

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

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

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

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

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

(c)  The commission shall adopt rules to provide guidance to school districts on the adoption of a healthy and safe school water plan under this section. The rules adopted must be at least as protective as the technical guidance for reducing lead in drinking water in schools developed by the United States Environmental Protection Agency.

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

(e)  Each school district shall:

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

(A)  the location of the water source; and

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

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

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

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

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

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

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

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

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

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

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

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.