

BILL ANALYSIS

Senate Research Center

H.B. 2006
By: Naishtat (Moncrief)
Education
5/7/2001
Engrossed

DIGEST AND PURPOSE

Currently, the indoor air quality voluntary guidelines for public schools give schools general guidance regarding conditions that may cause poor indoor air quality. In schools, air pollutants can come from several sources including furniture, carpeting, walls, ceilings, bookcases, chalkboards, and computers. Schools also have a variety of special polluting areas such as kitchens, cafeterias, science labs, and cleaning storage areas. The earlier a problem is detected, the less costly it is to repair. H.B. 2006 requires school districts to regularly assess the indoor air quality of public school buildings.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Board of Health in SECTION 1 (Section 385.003, Health and Safety Code) of this bill.

Rulemaking authority is expressly granted to the Texas Department of Health in SECTION 1 (Sections 385.102 and 385.151, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 385, Health and Safety Code, as follows:

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 385.001. Defines “department.”

Sec. 385.002. New heading: EDUCATION PROGRAM. Requires the Texas Department of Health (department) to conduct a statewide education program regarding the importance of and ways to improve indoor air quality in public schools.

Sec. 385.003. RULES. Authorizes the Texas Board of Health (board) to adopt rules necessary to implement this chapter.

SUBCHAPTER B. VOLUNTARY GUIDELINES

Redesignates Section 385.002 as Section 385.051 and deletes text relating to the adoption of rules by the board.

Redesignates Section 385.003 as Section 385.052. Provides that this subchapter does not create liability for a school board, school district, or school district employee for an injury caused by the failure to comply with the voluntary guidelines established under Section 385.051, rather than Section 385.002.

SUBCHAPTER C. SCHOOL BUILDING ASSESSMENT PROGRAM

Sec. 385.101. DUTIES OF SCHOOL DISTRICTS; PERIODIC ASSESSMENTS OF INDOOR AIR QUALITY. (a) Requires a school district to assess the indoor air quality of a public school in the district at certain times.

(b) Requires the school principal or health care personnel, if there are confirmed reports of illness among students or staff at a public school that may reasonably be attributable to the indoor air quality of the school, to report that fact to the board of trustees and the superintendent of the district. Requires the superintendent to consider the situation, consult with health care professionals and other persons as necessary, and order an assessment of the indoor air quality (assessment) of the school if the superintendent considers an assessment to be warranted.

(c) Provides that this section does not prohibit conducting additional assessments whenever required by prudence or other law.

(d) Requires the school district to use individuals certified by the department under Subchapter D to conduct the assessments.

(e) Requires the assessments to be conducted using the criteria established by the department under Section 385.102.

Sec. 385.102. DUTIES OF DEPARTMENT; CRITERIA FOR BUILDING ASSESSMENTS. Requires the department to establish, by rule, criteria and checklists for assessing the indoor air quality of public schools. Requires the rules to include requirements for assessing the indoor air quality of each school with respect to certain items. Sets forth certain requirements for the department to consider in establishing acceptable assessment methods or in adding to the factors listed under this section.

Sec. 385.103. AVAILABILITY OF ASSESSMENT RESULTS. Requires the school district, not later than the 60th day after the date an assessment is completed, to send the complete results of the assessment, in a certain format, to the department and to the campus-level planning and decision-making committee established under Section 11.253, Education Code, for the affected public school. Requires a school district on request to promptly make available to any member of the public the complete results of an assessment.

SUBCHAPTER D. DEPARTMENT CERTIFICATION PROGRAM

Sec. 385.151. CERTIFICATION PROGRAM. Requires the department to certify individuals to perform the assessments under Subchapter C. Requires the department to adopt rules to govern the certification program that are designed to ensure persons certified under this subchapter are capable of performing the assessments and will properly report the results of the assessment. Sets forth certain requirements of the rules adopted under this section. Authorizes the department to certify a person under this subchapter without requiring the usual testing and training under certain circumstances.

Sec. 385.152. CERTIFICATION FEE. Requires the department to charge a certification fee of \$50 to persons who become certified under this subchapter. Provides that the fee is payable on issuance of the certificate and on the renewal of a certificate. Requires a school district pay the certification fees of school district personnel who become certified under this subchapter.

SECTION 2. Amends Chapter 46A, Education Code, by adding Section 46.0082, as follows:

Sec. 46.0082. ASSESSMENT OF INDOOR AIR QUALITY REQUIRED FOR CONSTRUCTION OR RENOVATION PROJECTS. Prohibits a school district from using state funds received under this chapter to make payments on bonds issued in connection with

the construction or renovation of an instructional facility unless the district assesses the indoor air quality of the facilities within 90 days after the construction or renovation is completed in accordance with Chapter 385, Health and Safety Code.

SECTION 3. Makes application of Section 46.0082, Education Code, as added by this Act, prospective.

SECTION 4. Effective date: September 1, 2001.