

BILL ANALYSIS

Senate Research Center
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S.B. 242
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Education
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DIGEST AND PURPOSE

The Texas Department of Health (TDH) has received a number of requests for assistance with indoor air quality problems in schools, most involving student and staff health problems, including allergies, asthma, headaches, fatigue, and eye or respiratory system irritation. Indoor air pollutants include radon, lead, pesticides, asbestos, formaldehyde, carbon dioxide, carbon monoxide, and mold spores that contain toxins which, when inhaled, can cause cold-type symptoms, headaches, skin rashes, nose bleeds, suppression of the immune system, and even cognitive impairments. Guidelines are in place for major conditions and concerns regarding poor indoor air quality, but school districts are still spending millions of dollars to correct causes of poor indoor air quality. Early detection of indoor air quality problems can greatly reduce the costs of remediation.

As proposed, S.B. 242 requires a school district to assess, by September 1, 2005, the indoor air quality of each public school in use on September 1, 2003. This bill also requires the principal or health care personnel to report confirmed illnesses in a school that could be the result of poor indoor air quality and perform an assessment if determined to be necessary. This bill requires districts to make school building assessments for indoor air quality available to the public, TDH, and school campus advisory councils, and requires TDH to establish criteria for indoor air quality assessments for public schools.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Board of Health in SECTION 1 (Sections 385.002 and 385.051, Health and Safety Code) and to the Texas Department of Health in SECTION 1 (Section 385.102, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

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

New heading: SUBCHAPTER A. GENERAL PROVISIONS

Sec. 385.001. DEFINITIONS. Defines "Department" and "Public school." Renumbers subsection (4) as subsection (5).

Sec. 385.002. RULES. Authorizes the Texas Board of Health to adopt rules to implement this chapter.

Reserves Sections 385.003-385.050 for expansion.

New heading: SUBCHAPTER B. GUIDELINES

Sec. 385.051. POWERS AND DUTIES OF THE BOARD. Deletes reference to the board's authority to make rules beyond granted rulemaking authority to establish voluntary guidelines. Specifies that guidelines established by the board refer to this section. Requires the board by

rule to establish for mandatory guidelines governing indoor air quality in a public school undergoing substantial renovations. These guidelines would be prospective. Makes a conforming change.

Sec. 385.052. Redesignated from 385.003. LIABILITY AND IMMUNITY. Redesignates the reference from chapter to subchapter. Specifies that the subchapter does not create liability for certain parties for an injury caused by failure to comply with voluntary or mandatory guidelines established under Sections 385.051 (a) or (e).

Reserves Sections 385.053-385.100 for expansion.

New Heading: SUBCHAPTER C. SCHOOL BUILDING ASSESSMENT PROGRAM

Sec. 385.101. DUTIES OF SCHOOL DISTRICTS; PERIODIC ASSESSMENTS OF INDOOR AIR QUALITY. (a-1) Requires a school district to assess the indoor air quality of each of its public schools in use on September 1, 2003, no later than September 1, 2005. Exempts those schools that will not be used as such after September 1, 2005, and those schools documented to have been adequately assessed according to Section 385.102(b) within two years prior to September 1, 2003. Establishes the subsection's expiration date as September 2, 2005.

(a) Requires the school district to assess the indoor air quality of a public school under certain circumstances and within certain time frames.

(b) Requires the school principal or health care personnel employed by the school district to report confirmed reports of illness among students or staff in a public school, that could reasonably be attributed to indoor air quality, to the board of trustees and the superintendent of the district. Requires the superintendent to consult with certain individuals to determine whether an assessment is warranted.

(c) Specifies that assessments of indoor air quality must be conducted during the school year, but does not prohibit additional assessments at other times.

(d) Requires assessments to be conducted according to criteria under Section 385.102.

Sec. 385.102. DUTIES OF DEPARTMENT; CRITERIA FOR BUILDING ASSESSMENTS. (a) Requires the Texas Department of Health (TDH) by rule to establish criteria and checklists for indoor air quality assessments for public schools.

(b) Specifies that the rules must include requirements for assessing ambient temperature, relative humidity, ventilation, and the presence of certain toxins.

(c) Requires TDH to consider potential health effects and costs when establishing acceptable assessment methods to be adopted as guidelines under Section 385.051.

Sec. 385.103. AVAILABILITY OF ASSESSMENT RESULTS. (a) Requires the school district to send complete assessment results in a TDH-determined format to TDH and certain committees established under Section 11.253, Education Code, no later than the 60th day after the assessment.

(b) Requires a school district to make the results of an assessment available promptly upon request by a member of the public.

SECTION 2. Effective date: September 1, 2003.