

## MN ASSOCIATION OF CHARTER SCHOOLS – NEW LAW PRIMER 2023

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### **NEW: LEAD IN SCHOOL DRINKING WATER** - (MN Statutes 121A.335)

#### SCHOOL PLANS

- **TEST REVISIONS: By July 1, 2024, Schools must revise their plans to test for the presence of lead in water in school buildings to include:**
  - Policies and procedures for ensuring consistent water quality throughout their facilities
  - Documentation of the routine water management strategies and procedures used in each building to maintain water quality and reduce exposure to lead
- **Plans must be based on:**
  - the plan on the US EPA's "Ensuring Drinking Water Quality in Schools During and After Extended Closures" fact sheet
  - US EPA's "3Ts Toolkit for Reducing Lead in Drinking Water in Schools and Child Care Facilities" manual
- **Plans must be publicly available upon request.**

#### FREQUENCY OF TESTING / REMEDIATION

*Currently each building must be tested at least once every five years. (started on July 1, 2018)*

- **POSITIVE TEST RESULT:** A school with a building that provides cooking or drinking water **that finds lead** (at or above five parts per billion in any water fixture) must:
  - **immediately shut off the water** until the hazard has been remedied as verified by a retest
  - **implement a plan** to ensure student exposure is reduced to below five parts per billion as verified by a retest
- **RETEST:** Schools must test for presence of lead **AFTER** completing remediation activities to confirm lead levels below five parts per billion.

#### NOTICES

- **ANNUAL PARENT NOTICE:** Schools must send parents an annual notice that includes:
  - their annual testing and remediation plan
  - information on how to find test results
  - description of remediation information efforts on the district website
- **WEBSITE:** Schools must **ANNUALLY** update the lead testing and remediation plan on the school website.

- **HANDBOOKS:** Schools must include in **official school handbooks or school policy guides** information on how parents may find the test results and a description of remediation efforts on the school website and how often this information is updated.
- **PARENT NOTIFICATION OF POSITIVE TEST:** IF a test reveals the presence of lead at or above five parts per billion the school must within 30 days of the test result remediate the presence of lead to below five parts per billion (verified by retest) OR **directly notify** parents of the test result.

## REPORTING

- **REPORTING TO COMMISSIONER OF HEALTH:** **Starting July 1, 2024,** schools **must report** test results and remediation activities to the commissioner of health **by July 1<sup>st</sup> each year** to be posted on the department website by school sites.

## PUBLIC WATER SYSTEMS TO SCHOOL BUILDINGS

- **PUBLIC WATER SYSTEM LEAD LEVEL RESPONSIBILITY:** Schools are not financially responsible for remediating documented elevated lead levels in drinking water caused by lead infrastructure owned by a public water supply utility providing water to the facility (*such as lead service lines, meters, galvanized service lines downstream of lead, or lead connectors*).
- **COMMUNICATION REQUIREMENT:** Schools must communicate with the public water system regarding documented significant contribution to lead contamination in school drinking water and request a plan for reducing lead contamination.
- **JOINT OWNERSHIP:** If the infrastructure is jointly owned by a school and a public water supply utility, the school must attempt to coordinate any needed replacements of lead service lines with the public water supply utility.
- **DEFERRAL:** Schools may defer remediation activities:
  - **UNTIL** - the elevated lead levels in the public water system's infrastructure is remediated, and post-remediation testing does not detect elevated lead levels in the water that passes through it
  - **IF** - the public water supply exceeds the federal *Safe Drinking Water Act* lead action level OR is in violation of the *Safe Drinking Water Act Lead and Copper Rule*

## MODEL PLAN

The commissioners of health and education must develop a model plan that must NOW include *recommendations for remediation efforts when testing reveals above five parts per billion of lead.*

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**EFFECTIVE AUGUST 1<sup>st</sup>, 2023**