



DRINKING WATER IN CHILD CARE CENTERS & SCHOOLS

Texas

State Policy Profile

Access to safe and appealing drinking water in child care and schools is a key strategy to build healthy habits that children will use for life to maintain a healthy body weight and to support overall health.

RESEARCH METHODS: This issue brief summarizes state-level policies that govern drinking water access and quality in licensed child care centers and public school buildings. Findings reflect laws and regulations in effect as of June 2017. The following state-level policies were reviewed for relevant provisions:

- Child care licensing regulations
- School building standards
- School nutrition standards
- School sanitation standards
- School facilities inventory requirements
- School joint purchasing provisions
- Food safety codes
- Plumbing codes
- Childhood lead poisoning prevention program regulations

CHILD CARE CENTERS

Access to Drinking Water

Is there a general state policy requiring that children be provided drinking water?

Yes. Texas child care centers must “ensure a supply of drinking water is always available to each child and is served at every snack, mealtime, and after active play in a safe and sanitary manner.”¹

The Texas Department of Family and Protective Service's *Minimum Standards for Child-Care Centers* handbook also contains the following commentary on drinking water in child care:

- Research indicates serving drinking water to children ensures they are properly hydrated and facilitates reducing the intake of extra calories from nutrient poor foods and drinks which are associated with weight gain and obesity.
- Water should not be a substitute for milk at meals or snacks where milk is a required component. It is appropriate to require children to first drink the milk before serving themselves water.
- Beverages with added sugars should be avoided because they can contribute to child obesity, tooth decay, and poor nutrition.²

How many drinking fountains are required?

The state of Texas permits local jurisdictions to adopt either the 2012 Uniform Plumbing Code (UPC) or the 2012 International Plumbing Code (IPC).³ As a result child care centers, depending upon their location may be subject to the following minimum requirements for drinking fountains:

The 2012 IPC requires a minimum of 1 drinking fountain per 100 building occupants in educational occupancies and allows water coolers or bottled water dispensers to substitute for up to 50 percent of the required number of drinking fountains.⁴

The 2012 UPC requires one drinking fountain per 150 occupants in child care centers, and centers with less than 30 occupants are not required to have any drinking fountains.⁵

Are there licensing requirements for drinking fountain maintenance and cleanliness?

Water must be made available in a “safe and sanitary manner.”⁶

Water Quality

Is routine water quality testing of taps and fountains used to supply drinking water required?

No

How is water quality from a private water supply, e.g. a well, monitored?

As a condition of licensing, child care centers with a private water supply must “[m]aintain the water supply in a safe and sanitary manner,” and “[m]aintain written records indicating the private water supply meets the requirements of the Texas Commission on Environmental Quality, if applicable.”⁷

How is water quality addressed in food safety provisions applicable to child care centers?

Child care centers subject to food safety inspections that use water from a nonpublic water system must, at a minimum, sample and test their water monthly and retain the most recent test result report on file.⁸

Are there any provisions relevant to water filters?

Child care centers subject to food safety inspections must comply with requirements for water conditioning devices such as filters. Water filters must be made of “safe materials,”⁹ Water filter elements must be “of the replaceable type,”¹⁰ and “shall be located to facilitate disassembly for periodic servicing and cleaning.”¹¹

How does the Childhood Lead Poisoning Prevention Program address potential exposure to lead in drinking water?

The Texas Childhood Lead Poisoning Prevention Program serves children under 15 years of age and is authorized to inspect child-care facilities that may be contributing to a child’s elevated blood lead level.¹²

SCHOOLS

Access to Drinking Water

Does state school nutrition policy address access to drinking water at no cost to students?

No

Are cups for drinking water required in food service areas?

No

Can school food service purchase drinking water supplies like cups through a purchasing collaborative?

Yes. Texas law permits local governments to conduct joint purchasing for goods and services like food service products.¹³

What are the requirements for drinking fountains in schools?

School buildings in Texas must be constructed in accordance with the local plumbing code.¹⁴ The state of Texas permits local jurisdictions to adopt either the 2012 Uniform Plumbing Code (UPC) or the 2012 International Plumbing Code (IPC).¹⁵ If there is no local building code then the latest version of the International Plumbing Code applies.¹⁶ As a result, school buildings may be subject to the 2012 UPC, the 2012 IPC or the 2015 IPC.

The 2012 UPC requires one drinking fountain per 150 occupants in child care centers, and centers with less than 30 occupants are not required to have any drinking fountains.¹⁷

The 2012 IPC requires a minimum of 1 drinking fountain per 100 building occupants in educational occupancies and allows water coolers or bottled water dispensers to substitute for up to 50 percent of the required number of drinking fountains.¹⁸

The 2015 IPC requires 1 drinking fountain per 100 child care center occupants.¹⁹ Water dispensers can substitute for up to fifty percent of the required number of fountains.²⁰ Water dispensers are defined as plumbing fixtures that are “manually controlled by the user for the purpose of dispensing potable drinking water into a receptacle such as a cup, glass or bottle,” and can be plumbed or “not

connected to the potable water distribution system and...supplied with potable water from a container, bottle or reservoir.”²¹

Water Quality

Is routine water quality testing of taps and fountains that convey drinking water required?

No

Is plumbing system maintenance in general regulated?

Yes, in food service areas. Schools subject to food safety inspections must maintain their plumbing systems “in good repair.”²²

How is the school water supply addressed?

The Texas Health and Safety Code requires that school buildings and grounds have “an adequate supply of drinking water” and be “maintained in a sanitary manner.”²³

How is water quality from a private water supply, e.g. a well, monitored?

Schools subject to food safety inspections that use water from a nonpublic water system must, at a minimum, sample and test their water monthly and retain the most recent test result report on file.²⁴

Are there any provisions relevant to water filters?

Yes. Schools subject to food safety inspections must comply with requirements for water conditioning devices such as filters. Water filters must be made of “safe materials.”²⁵ Water filter elements must be “of the replaceable type,”²⁶ and “shall be located to facilitate disassembly for periodic servicing and cleaning.”²⁷

How does the Lead Poisoning Prevention Program address potential exposure to lead in drinking water at schools?

The Texas Childhood Lead Poisoning Prevention Program serves children under 15 years of age and is authorized to inspect child-occupied facilities like schools that may be contributing to a child's elevated blood lead level.²⁸

Information Gathering Systems

Does Texas conduct a statewide school facilities inventory?

No

PHAI Public Health
Advocacy Institute

This state profile was prepared by:
Cara L. Wilking, JD
Public Health Advocacy Institute
December 2017

Acknowledgements: This work was supported by Healthy Eating Research, a national program of the Robert Wood Johnson Foundation

For additional information please visit www.phaionline.org for the summary report: **Developing State Policy Recommendations for Safe Drinking Water Procurement in Child Care Centers and Schools**

¹ 40 Tex. Admin. Code § 746.3301 (2017).

² Tex. Dept. of Family & Protective Servs., Minimum Standards for Child-Care Centers 101 (April 2017).

³ 22 Tex. Admin. Code § 367.1 (2017).

⁴ 2012 Int'l Plumbing Code § 410.3; Table 403.1 (2012).

⁵ 2012 Uniform Plumbing Code Table 422.1 (2012).

⁶ 40 Tex. Admin. Code § 746.3301 (2017).

⁷ 40 Tex. Admin. Code § 746.3431 (2017)

⁸ 25 Tex. Admin. Code §228.142 (2017).

⁹ 25 Tex. Admin. Code §228.145 (b) (2017).

¹⁰ 25 Tex. Admin. Code §228.146 (e) (2017).

¹¹ 25 Tex. Admin. Code §228.147 (c) (2017).

¹² Tex. Health & Safety Code § 88.008 (2017).

¹³ Tex. Gov't Code §791.025 (2017).

-
- ¹⁴ 19 Tex. Admin. Code § 61.1036 (2017).
¹⁵ 22 Tex. Admin. Code § 367.1 (2017).
¹⁶ 19 Tex. Admin. Code § 61.1036 (2017).
¹⁷ 2012 Uniform Plumbing Code Table 422.1 (2012).
¹⁸ 2012 Int'l Plumbing Code § 410.3; Table 403.1 (2012).
¹⁹ 2015 Int'l Plumbing Code, Table 403.1 (2015).
²⁰ 2015 Int'l Plumbing Code § 410.4 (2015).
²¹ 2015 Int'l Plumbing Code § 202 (2015).
²² 25 Tex. Admin. Code § 228.149 (2017).
²³ Tex. Health & Safety Code § 341.065 (2017).
²⁴ 25 Tex. Admin. Code § 228.142 (2017).
²⁵ 25 Tex. Admin. Code § 228.145 (b) (2017).
²⁶ 25 Tex. Admin. Code § 228.146 (e) (2017).
²⁷ 25 Tex. Admin. Code § 228.147 (c) (2017).
²⁸ Tex. Health & Safety Code § 88.008 (2017).