

By: Swanson, Hefner, Buckley, Patterson,  
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H.B. No. 1149

Substitute the following for H.B. No. 1149:

By: Buckley

C.S.H.B. No. 1149

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to parental consent for certain activities engaged in by a  
3 school district employee or contractor with respect to the parent's  
4 child.

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

6 SECTION 1. Section 26.009, Education Code, is amended to  
7 read as follows:

8 Sec. 26.009. CONSENT REQUIRED FOR CERTAIN ACTIVITIES. (a)  
9 An employee or contractor of a school district must obtain the  
10 written informed consent of a child's parent each time before the  
11 employee or contractor may:

12 (1) conduct a psychological or psychiatric  
13 examination or [ ] test [ ] or psychological or psychiatric  
14 treatment, unless the examination, test, or treatment is required  
15 under Section 38.004 or state or federal law regarding requirements  
16 for special education; or

17 (2) make or authorize the making of a videotape of a  
18 child or record or authorize the recording of a child's voice.

19 (a-1) For purposes of Subsection (a):

20 (1) "Psychological or psychiatric examination or  
21 test" means a method designed to elicit information regarding an  
22 attitude, habit, trait, opinion, belief, feeling, or mental  
23 disorder or a condition thought to lead to a mental disorder,  
24 regardless of the manner in which the method is presented or

1 characterized, including a method that is presented or  
2 characterized as a survey, check-in, or screening or is embedded in  
3 an academic lesson.

4 (2) "Psychological or psychiatric treatment" means  
5 the planned, systematic use of a method, technique, or psychoactive  
6 substance that is designed to affect behavioral, emotional, or  
7 attitudinal characteristics of an individual or group.

8 (a-2) Subsection (a) may not be construed to limit the  
9 authority of a school district employee or contractor to:

10 (1) verbally inquire about a child's general  
11 well-being; or

12 (2) conduct an academic lesson, provided that the  
13 lesson does not directly inquire or probe into a child's mental or  
14 emotional state.

15 (b) An employee or contractor of a school district is not  
16 required to obtain the consent of a child's parent before the  
17 employee or contractor may make a videotape of a child or authorize  
18 the recording of a child's voice if the videotape or voice recording  
19 is to be used only for:

20 (1) purposes of safety, including the maintenance of  
21 order and discipline in common areas of the school or on school  
22 buses;

23 (2) a purpose related to a cocurricular or  
24 extracurricular activity;

25 (3) a purpose related to regular classroom  
26 instruction;

27 (4) media coverage of the school; or

1           (5) a purpose related to the promotion of student  
2 safety under Section 29.022.

3           (c) A school district shall retain the written informed  
4 consent of a child's parent obtained under this section as part of  
5 the child's education records.

6           SECTION 2. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2023.