

BILL ANALYSIS

C.S.H.B. 1070
By: Howard
Public Education
Committee Report (Substituted)

BACKGROUND

Some school employees have threatened to report parents to state authorities alleging medical neglect due to parents' refusal to allow psychological exams and the administration of psychotropic drugs to their children. Often, these threats are used as a tool to intimidate parents into compliance and are in violation of provisions of federal law.

PURPOSE

The purpose of C.S.H.B. 1070 is to codify and protect a parents' right to refuse the psychological testing and the administration of psychotropic drugs to their child, and to bring state law in line with federal requirements.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1070 amends the Education Code to provide that a parent's refusal to provide written consent for a school district employee to conduct a psychological examination, test, treatment or administration of a psychotropic medication or a parents refusal to administer such medication, does not constitute neglect or abuse of a child. The bill provides that an employee of a school district may not use or threaten to use a parent's refusal to provide such a written consent or to administer a psychotropic medication as a basis for making a report concerning abuse or neglect of a child.

This Act applies beginning with the 2003-2004 school year.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1070 modifies the original by removing provisions stipulating that a school district employee's use of a parent's refusal to provide written consent to administer a psychotropic medication as a basis for making a report concerning abuse or neglect of a child is a Class A misdemeanor. C.S.H.B. 1070 modifies the original by deleting provisions that authorize a parent to bring an action against an employee of a school district, who commits such a violation, for statutory damages in an amount of not less than \$5,000 or more

than \$50,000 for each violation.