

BILL ANALYSIS

Senate Research Center

H.B. 1406
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Education
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Engrossed

DIGEST AND PURPOSE

Currently, Texas law does not prevent a school district employee from making a student's enrollment in school or participation in school related activities contingent on the use of psychotropic drugs or psychiatric evaluation. H.B. 1406 prohibits a school district employee from recommending psychiatric evaluation or the use of a psychotropic drug. The bill also prevents a school district employee from using the parent's refusal to consent to administer a psychotropic drug as grounds for prohibiting the student to attend a class or participate in a school related activity. H.B. 1406 also provides that certain school-related medical professionals are not prohibited from recommending that a child be evaluated by an appropriate medical practitioner.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 38, Education Code, by adding Section 38.016, as follows:

Sec. 38.016. PSYCHOTROPIC DRUGS AND PSYCHIATRIC EVALUATIONS OR EXAMINATIONS. (a) Defines "parent" and "psychotropic drug."

(b) Prohibits a school district employee from recommending that a student use a psychotropic drug or have a psychiatric evaluation or examination, or use the refusal by a parent to consent to administration of a psychotropic drug to a student or to a psychiatric evaluation or examination of a student as grounds, by itself, for prohibiting the child from attending a class or participating in a school-related activity.

(c) Provides that Subsection (b) does not prevent an appropriate referral under the child find system required under 20 U.S.C. Section 1412, as amended, or prohibit a school district employee who is a registered nurse, advanced nurse practitioner, or physician from recommending that a child be evaluated by an appropriate medical practitioner.

(d) Requires the board of trustees of each school district to adopt a policy to ensure implementation and enforcement of this section.

SECTION 2. Provides that this Act applies beginning with the 2003-2004 school year.

SECTION 3. Effective date: upon passage or September 1, 2003.