

## **BILL ANALYSIS**

C.S.H.B. 1406  
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Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current statute 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. C.S.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.

### **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. 1406 amends the Education Code by prohibiting a school district employee from recommending a student use a psychotropic drug or undergo a psychiatric evaluation or examination. The bill provides that refusal by a parent or guardian to consent to the administration of a psychotropic drug to a student or to a psychiatric evaluation or examination is not grounds for removing the child from school or school related activities. The bill does not prevent the appropriate referral of a child under the child find system required under 20 U.S.C. Section 1435 or prohibit a district employee, who is a licensed healthcare professional, from recommending an evaluation by an appropriate medical practitioner. The bill requires the board of trustees of each school district to establish a policy for the implementation and enforcement of this added section.

### **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. 1406 modifies the original by adding a provision that stipulates that the bill does not prohibit a district employee, who is a licensed healthcare professional, from recommending that a child be evaluated by an appropriate medical practitioner.