

By: Howard

H.B. No. 1070

Substitute the following for H.B. No. 1070:

By: Eissler

C.S.H.B. No. 1070

A BILL TO BE ENTITLED

AN ACT

relating to a parent's refusal to authorize the psychological or psychiatric testing or treatment of a child.

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

SECTION 1. Chapter 26, Education Code, is amended by adding Section 26.0091 to read as follows:

Sec. 26.0091. REFUSAL OF PSYCHOLOGICAL OR PSYCHIATRIC TESTING OR TREATMENT. (a) A parent's refusal to provide written consent for an employee of a school district to conduct a psychological examination, test, or treatment under Section 26.009(a) or a parent's refusal to administer or consent to the administration of a psychotropic medication to the child outside of school does not constitute neglect or abuse of a child as defined by Section 261.001, Family Code.

(b) An employee of a school district may not use or threaten to use a parent's refusal to provide written consent for a psychological examination, test, or treatment under Section 26.009(a) or to permit a school employee to administer a psychotropic medication to the parent's child as a basis for making a report concerning abuse or neglect of a child under Section 261.103, Family Code.

SECTION 2. This Act applies beginning with the 2003-2004 school year.

SECTION 3. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2003.