

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 12, 2003

TO: Honorable Kent Grusendorf, Chair, House Committee on Public Education

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB1070 by Howard (Relating to a parent's refusal to authorize a school district employee to conduct the psychological or psychiatric testing or treatment of a child; providing penalties.),
As Introduced

No fiscal implication to the State is anticipated.

The bill would add Section 26.0091, Education Code, stating that 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 to permit a school employee to administer a psychotropic medication would not constitute child abuse or neglect. The bill would create an offense punishable as a Class A misdemeanor that could be committed, if a school district employee used or threatened to use a parent's refusal to provide written consent for a psychological examination, test, or treatment or to permit a school employee to administer a psychotropic medication as a basis for making a report concerning child abuse or neglect. Finally the bill would permit a parent to bring an action against any employee of a school district for statutory damages of \$5,000 to \$50,000 for each violation, plus court costs and reasonable and necessary attorney's fees.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 701 Central Education Agency

LBB Staff: JK, CT, UP, PQ