

By: Howard

H.B. No. 531

A BILL TO BE ENTITLED

AN ACT

relating to protection of private family information of children attending public schools.

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

SECTION 1. Chapter 26, Education Code, is amended by adding Section 26.0082 to read as follows:

Sec. 26.0082. PRIVATE FAMILY INFORMATION. (a) Except as provided by Subsection (b), a school district may not administer an assessment instrument, test, or survey or present any curriculum to a student that reveals private information about the student or the student's family in the following areas:

(1) political affiliation or political views;

(2) mental or psychological problems;

(3) sexual behavior or attitudes;

(4) illegal, antisocial, self-incriminating, or demeaning behavior;

(5) religious beliefs;

(6) individualist or peer-dependent tendencies;

(7) attitudes or values;

(8) critical appraisals of persons with whom the student has close family relationships;

(9) a legally recognized privilege or analogous relationship with another person, such as a relationship with a lawyer, minister, or physician;

1           (10) adaptability to change;

2           (11) respect for authority;

3           (12) income, except as required by law to determine  
4 eligibility for participating in or receiving assistance under a  
5 financial assistance program; or

6           (13) any other nonacademic area related to values.

7           (b) A school district may administer an assessment  
8 instrument, test, or survey or present curriculum to a student that  
9 reveals private information described by Subsection (a) if:

10           (1) the district notifies the student's parent, in  
11 writing and not later than the fifth working day before the  
12 administration of the assessment, test, or survey or presentation  
13 of curriculum, that the parent may:

14                   (A) review all materials related to the  
15 assessment, test, survey, or curriculum, including answer keys and  
16 manuals; and

17                   (B) refuse to allow the student to participate in  
18 the assessment, test, survey, or curriculum; and

19           (2) the district obtains the prior written consent to  
20 the assessment, test, survey, or curriculum from the student's  
21 parent.

22           (c) An assessment, test, survey, or curriculum that reveals  
23 private information described by Subsection (a) or a student's  
24 failure to participate in such an assessment, test, survey, or  
25 curriculum may not be used to determine:

26                   (1) the student's grade for a course;

27                   (2) whether to promote the student to the next grade

1 level; or

2 (3) whether the student will graduate.

3 (d) In this section, "family" means persons related to each  
4 other within the third degree by consanguinity or the second degree  
5 by affinity, as determined under Chapter 573, Government Code.

6 SECTION 2. The heading to Section 26.009, Education Code,  
7 is amended to read as follows:

8 Sec. 26.009. CONSENT REQUIRED FOR MAKING VIDEOTAPE OR VOICE  
9 RECORDING OF A CHILD [~~CERTAIN ACTIVITIES~~].

10 SECTION 3. Section 26.009(a), Education Code, is amended to  
11 read as follows:

12 (a) An employee of a school district must obtain the written  
13 consent of a child's parent before the employee may[+]

14 [~~(1) conduct a psychological examination, test, or~~  
15 ~~treatment, unless the examination, test, or treatment is required~~  
16 ~~under Section 38.004 or state or federal law regarding requirements~~  
17 ~~for special education, or~~

18 [~~(2)~~] make or authorize the making of a videotape of a  
19 child or record or authorize the recording of a child's voice.

20 SECTION 4. Chapter 26, Education Code, is amended by adding  
21 Section 26.0092 to read as follows:

22 Sec. 26.0092. PSYCHOLOGICAL EXAMINATION OR TREATMENT;  
23 PROGRESSIVE RELAXATION TECHNIQUES. (a) Unless required under  
24 Section 38.004 or state or federal law regarding requirements for  
25 special education, a school district may not, without the written  
26 informed consent of the child's parent:

27 (1) provide psychological services to a child,

1 including examinations, testing, progressive relaxation  
2 techniques, or other treatment; or

3 (2) use a progressive relaxation technique with a  
4 child in a curriculum, counseling program, or other school  
5 activity.

6 (b) A psychological service, including a progressive  
7 relaxation technique, must be administered by a licensed health  
8 care practitioner qualified to provide the service.

9 (c) In this section, "progressive relaxation technique"  
10 means a technique that produces an artificially induced passive  
11 state in which a person is more amenable and responsive to  
12 suggestions and commands, regardless of whether the suggestions and  
13 commands conflict with the person's conscious or unconscious  
14 wishes. The term includes hypnosis, guided imagery, meditation,  
15 and yoga.

16 SECTION 5. This Act applies beginning with the 2005-2006  
17 school year.

18 SECTION 6. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2005.