

By: Swanson

H.B. No. 26

A BILL TO BE ENTITLED

AN ACT

relating to parental consent for certain activities engaged in by a school district employee or contractor with respect to the parent's child.

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

SECTION 1. Section 26.009, Education Code, is amended to read as follows:

Sec. 26.009. CONSENT REQUIRED FOR CERTAIN ACTIVITIES. (a)

In this section:

(1) "Psychological or psychiatric examination or test" means a method designed to elicit information regarding an attitude, habit, trait, opinion, belief, feeling, or mental disorder or a condition thought to lead to a mental disorder, regardless of the manner in which the method is presented or characterized, including a method that is presented or characterized as a survey, check-in, or screening or is embedded in an academic lesson.

(2) "Psychological or psychiatric treatment" means the planned, systematic use of a method or technique that is designed to affect behavioral, emotional, or attitudinal characteristics of an individual or group.

(b) An employee or contractor of a school district must obtain the written consent signed by ~~of~~ a child's parent for each separate activity described by this subsection in which the child

1 will participate before:

2 (1) the employee or contractor may:

3 (A) [~~(1)~~] conduct a psychological or psychiatric
4 examination or[~~7~~] test[~~7~~] or psychological or psychiatric
5 treatment, unless the examination, test, or treatment is required
6 under Section 38.004 or state or federal law regarding requirements
7 for special education; or

8 (B) [~~(2)~~] subject to Subsection (c), make or
9 authorize the making of a videotape of a child or record or
10 authorize the recording of a child's voice; and

11 (2) the child may participate in that activity.

12 (c) [~~(b)~~] An employee or contractor of a school district is
13 not required to obtain the consent of a child's parent before the
14 employee or contractor may make a videotape of a child or authorize
15 the recording of a child's voice if the videotape or voice recording
16 is to be used only for:

17 (1) purposes of safety, including the maintenance of
18 order and discipline in common areas of the school or on school
19 buses;

20 (2) a purpose related to a cocurricular or
21 extracurricular activity;

22 (3) a purpose related to regular classroom
23 instruction;

24 (4) media coverage of the school; or

25 (5) a purpose related to the promotion of student
26 safety under Section 29.022.

27 (d) A school district shall retain every written and signed

1 informed consent of a child's parent obtained under this section as
2 part of the child's education records.

3 (e) Nothing in this section may be construed to:

4 (1) require an employee of a school district to obtain
5 the written consent of a child's parent before verbally asking the
6 child about the child's general well-being;

7 (2) affect a child's consent to counseling under
8 Section 32.004, Family Code; or

9 (3) affect the duty to report child abuse or neglect
10 under Chapter 261, Family Code, or an investigation of a report of
11 abuse or neglect under that chapter.

12 SECTION 2. This Act applies beginning with the 2025-2026
13 school year.

14 SECTION 3. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect on the 91st day after the last day of the
19 legislative session.