88R3449 JTZ-F

By:  Hall S.B. No. 400

A BILL TO BE ENTITLED

AN ACT

relating to requiring parental consent for psychological or psychiatric examination, testing, or treatment conducted by a school district employee.

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

SECTION 1.  Section 26.009, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a)  An employee of a school district must obtain the written consent of a child's parent before the employee may:

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

(2)  make or authorize the making of a videotape of a child or record or authorize the recording of a child's voice.

(a-1)  For purposes of Subsection (a):

(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, technique, or psychoactive substance that is designed to affect behavioral, emotional, or attitudinal characteristics of an individual or group.

SECTION 2.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.