

By: Hall

S.B. No. 394

A BILL TO BE ENTITLED

AN ACT

relating to parental rights in public education.

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

SECTION 1. Section 26.004(b), Education Code, is amended to read as follows:

(b) A parent is entitled to access to all written or electronic records of a school district concerning the parent's child, including:

- (1) attendance records;
- (2) test scores;
- (3) grades;
- (4) disciplinary records;
- (5) counseling records;
- (6) psychological records;
- (7) applications for admission;
- (8) health and immunization information;
- (9) teacher and school counselor evaluations;
- (10) reports of behavioral patterns; and
- (11) records relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child.

SECTION 2. Section 26.009, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

1 (a) Subject to Subsection (a-1), an [An] employee of a
2 school district must obtain the written consent of a child's parent
3 before the employee may:

4 (1) conduct a psychological examination, test, or
5 treatment;

6 (2) administer a student well-being questionnaire,
7 health care screening form, or survey~~[, unless the examination,~~
8 ~~test, or treatment is required under Section 38.004 or state or~~
9 ~~federal law regarding requirements for special education]~~; or

10 (3) [(-2)] make or authorize the making of a videotape
11 of a child or record or authorize the recording of a child's voice.

12 (a-1) A parent's written consent is not required under
13 Subsection (a) if an examination, test, or treatment is required
14 under Section 38.004 or state or federal law regarding requirements
15 for special education.

16 SECTION 3. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2023.