

By: Hall

S.B. No. 400

A BILL TO BE ENTITLED

1 AN ACT
2 relating to requiring parental consent for psychological or
3 psychiatric examination, testing, or treatment conducted by a
4 school district employee.

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

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

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

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

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

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

19 (1) "Psychological or psychiatric examination or
20 test" means a method designed to elicit information regarding an
21 attitude, habit, trait, opinion, belief, feeling, or mental
22 disorder or a condition thought to lead to a mental disorder,
23 regardless of the manner in which the method is presented or
24 characterized, including a method that is presented or

1 characterized as a survey, check-in, or screening or is embedded in
2 an academic lesson.

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

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