

By: Kolchorst S.B. No. 595
(Swanson, Hefner, Buckley, Patterson, Slawson, et al.)

A BILL TO BE ENTITLED

AN ACT

1
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 Subsections (a-1), (a-2), (a-3),
8 and (c) to read as follows:

9 (a) An employee of a school district must obtain the written
10 consent of a child's parent in the manner required by Subsection
11 (a-2) before the employee may:

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

17 (2) subject to Subsection (b), make or authorize the
18 making of a videotape of a child or record or authorize the
19 recording of a child's voice.

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

21 (1) "Psychological or psychiatric examination or
22 test" means a method designed to elicit information regarding an
23 attitude, habit, trait, opinion, belief, feeling, or mental
24 disorder or a condition thought to lead to a mental disorder,

1 regardless of the manner in which the method is presented or
2 characterized, including a method that is presented or
3 characterized as a survey, check-in, or screening or is embedded in
4 an academic lesson.

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

9 (a-2) Written consent for a parent's child to participate in
10 a district activity described by Subsection (a) must be obtained
11 for each separate activity in which the child participates, and
12 each written consent must be signed by the parent and returned to
13 the district. A child may not participate in the activity unless
14 the district receives the parent's signed written consent to that
15 activity.

16 (a-3) Subsection (a) does not require an employee of a
17 school district to obtain the written consent of a child's parent
18 before verbally asking the child about the child's general
19 well-being, and for purposes of Subsections (a) and (a-1)(1), the
20 term "check-in" does not include such an inquiry.

21 (c) Nothing in this section may be construed to affect:

22 (1) a child's consent to counseling under Section
23 [32.004](#), Family Code; or

24 (2) the duty to report child abuse or neglect under
25 Chapter [261](#), Family Code, or an investigation of a report of abuse
26 or neglect under that chapter.

27 SECTION 2. This Act applies beginning with the 2023-2024

1 school year.

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