

## **BILL ANALYSIS**

Senate Research Center  
89R3253 MEW-F

S.B. 400  
By: Kolkhorst  
Education K-16  
2/24/2025  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In recent years, Texas has adopted a number of measures to increase school mental health awareness and social and emotional learning. In an attempt to assess the mental health and psychological well-being of students, public schools have initiated student surveys and other measures, which inquire into a child's psychological, social, and emotional activities. Some parents have reported that they have not given permission for their child to participate in these surveys, many of which solicit deeply personal and private information from the child. S.B. 400 requires school districts to obtain the written consent from a child's parent prior to any psychological or psychiatric exam or test designed to elicit certain information about a child presented in the form of a survey, check-in, screening, or embedded in an academic lesson.

As proposed, S.B. 400 amends current law relating to requiring parental consent for psychological or psychiatric examination, testing, or treatment conducted by a school district employee.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 26.009, Education Code, by amending Subsection (a) and adding Subsections (a-1) and (a-2), as follows:

- (a) Requires an employee of a school district to obtain the written consent of a child's parent in the manner required by Subsection (a-2) before the employee is authorized to:

(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 (Child Abuse Reporting and Programs) or state or federal law regarding requirements for special education; or

(2) subject to Subsection (b) (relating to the lack of requirement for an employee of a school district to obtain the consent of a child's parent before making a videotape under certain circumstances), make or authorize the making of a videotape of a child or record or authorize the recording of a child's voice.

(a-1) Defines "psychological or psychiatric examination or test" and "psychological or psychiatric treatment."

(a-2) Requires that the written consent for a parent's child to participate in a district activity described by Subsection (a) be signed by the parent and returned to the district. Prohibits a child from participating in the activity unless the district receives the parent's signed written consent to that activity.

SECTION 2. Provides that this Act applies beginning with the 2025–2026 school year.

SECTION 3. Effective date: upon passage or September 1, 2025.