

BILL ANALYSIS

Senate Research Center
89R16550 MEW-F

C.S.S.B. 400
By: Kolkhorst
Education K-16
2/26/2025
Committee Report (Substituted)

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.

The committee substitute adds a subsection intended to clarify that verbally asking a child about their general well-being does not constitute a check-in.

C.S.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), (a-2), and (c) 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.

(c) Provides that nothing in Section 26.009 (Consent Required for Certain Activities) is to be construed to require an employee of a school district to obtain the written consent of a child's parent before verbally asking the child about the child's general well-being.

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

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