

By: Kolkhorst, et al.

S.B. No. 400

A BILL TO BE ENTITLED

AN ACT

relating to requiring parental consent for psychological or psychiatric examination, testing, or treatment conducted by a school district employee.

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

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

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

(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 or state or federal law regarding requirements for special education; or

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

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

(1) "Psychological or psychiatric examination or test" means a method designed to elicit information regarding an attitude, habit, trait, opinion, belief, feeling, or mental 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 signed by
11 the parent and returned to the district. A child may not
12 participate in the activity unless the district receives the
13 parent's signed written consent to that activity.

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

15 (1) require an employee of a school district to obtain
16 the written consent of a child's parent before verbally asking the
17 child about the child's general well-being; or

18 (2) affect:

19 (A) a child's ability to consent to counseling
20 under Section 32.004, Family Code; or

21 (B) the duty to report child abuse or neglect
22 under Chapter 261, Family Code, or an investigation of a report of
23 child abuse or neglect under that chapter.

24 SECTION 2. This Act applies beginning with the 2025-2026
25 school year.

26 SECTION 3. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2025.