

1-1 By: Kolkhorst S.B. No. 400
1-2 (In the Senate - Filed November 20, 2024; February 3, 2025,
1-3 read first time and referred to Committee on Education K-16;
1-4 March 17, 2025, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 10, Nays 0; March 17, 2025,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Creighton	X		
1-10	Campbell	X		
1-11	Bettencourt	X		
1-12	Hagenbuch	X		
1-13	Hinojosa of Nueces	X		
1-14	King		X	
1-15	Menéndez	X		
1-16	Middleton	X		
1-17	Parker	X		
1-18	Paxton	X		
1-19	West	X		

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 400 By: Hagenbuch

1-21 A BILL TO BE ENTITLED
1-22 AN ACT

1-23 relating to requiring parental consent for psychological or
1-24 psychiatric examination, testing, or treatment conducted by a
1-25 school district employee.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Section 26.009, Education Code, is amended by
1-28 amending Subsection (a) and adding Subsections (a-1), (a-2), and
1-29 (c) to read as follows:

1-30 (a) An employee of a school district must obtain the written
1-31 consent of a child's parent in the manner required by Subsection
1-32 (a-2) before the employee may:

1-33 (1) conduct a psychological or psychiatric
1-34 examination or~~test~~ or psychological or psychiatric
1-35 treatment, unless the examination, test, or treatment is required
1-36 under Section 38.004 or state or federal law regarding requirements
1-37 for special education; or

1-38 (2) subject to Subsection (b), make or authorize the
1-39 making of a videotape of a child or record or authorize the
1-40 recording of a child's voice.

1-41 (a-1) For purposes of Subsection (a):

1-42 (1) "Psychological or psychiatric examination or
1-43 test" means a method designed to elicit information regarding an
1-44 attitude, habit, trait, opinion, belief, feeling, or mental
1-45 disorder or a condition thought to lead to a mental disorder,
1-46 regardless of the manner in which the method is presented or
1-47 characterized, including a method that is presented or
1-48 characterized as a survey, check-in, or screening or is embedded in
1-49 an academic lesson.

1-50 (2) "Psychological or psychiatric treatment" means
1-51 the planned, systematic use of a method or technique that is
1-52 designed to affect behavioral, emotional, or attitudinal
1-53 characteristics of an individual or group.

1-54 (a-2) Written consent for a parent's child to participate in
1-55 a district activity described by Subsection (a) must be signed by
1-56 the parent and returned to the district. A child may not
1-57 participate in the activity unless the district receives the
1-58 parent's signed written consent to that activity.

1-59 (c) Nothing in this section may be construed to require an
1-60 employee of a school district to obtain the written consent of a

2-1 child's parent before verbally asking the child about the child's
2-2 general well-being.

2-3 SECTION 2. This Act applies beginning with the 2025-2026
2-4 school year.

2-5 SECTION 3. This Act takes effect immediately if it receives
2-6 a vote of two-thirds of all the members elected to each house, as
2-7 provided by Section 39, Article III, Texas Constitution. If this
2-8 Act does not receive the vote necessary for immediate effect, this
2-9 Act takes effect September 1, 2025.

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