

1-1 By: Kolkhorst S.B. No. 595
1-2 (In the Senate - Filed January 25, 2023; February 17, 2023,
1-3 read first time and referred to Committee on Education;
1-4 April 27, 2023, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 10, Nays 3; April 27, 2023,
1-6 sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Creighton	X			
1-10	Campbell	X			
1-11	Bettencourt	X			
1-12	Birdwell	X			
1-13	Flores	X			
1-14	King	X			
1-15	LaMantia		X		
1-16	Menéndez		X		
1-17	Middleton	X			
1-18	Parker	X			
1-19	Paxton	X			
1-20	Springer	X			
1-21	West		X		

1-22 COMMITTEE SUBSTITUTE FOR S.B. No. 595 By: Paxton

1-23 A BILL TO BE ENTITLED
1-24 AN ACT

1-25 relating to requiring parental consent for psychological or
1-26 psychiatric examination, testing, or treatment conducted by a
1-27 school district employee.

1-28 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-29 SECTION 1. Section 26.009, Education Code, is amended by
1-30 amending Subsection (a) and adding Subsections (a-1), (a-2), and
1-31 (a-3) to read as follows:

1-32 (a) An employee of a school district must obtain the written
1-33 consent of a child's parent in the manner required by Subsection
1-34 (a-2) before the employee may:

1-35 (1) conduct a psychological or psychiatric
1-36 examination or~~test~~ or psychological or psychiatric
1-37 treatment, unless the examination, test, or treatment is required
1-38 under Section 38.004 or state or federal law regarding requirements
1-39 for special education; or

1-40 (2) subject to Subsection (b), make or authorize the
1-41 making of a videotape of a child or record or authorize the
1-42 recording of a child's voice.

1-43 (a-1) For purposes of Subsection (a):

1-44 (1) "Psychological or psychiatric examination or
1-45 test" means a method designed to elicit information regarding an
1-46 attitude, habit, trait, opinion, belief, feeling, or mental
1-47 disorder or a condition thought to lead to a mental disorder,
1-48 regardless of the manner in which the method is presented or
1-49 characterized, including a method that is presented or
1-50 characterized as a survey, check-in, or screening or is embedded in
1-51 an academic lesson.

1-52 (2) "Psychological or psychiatric treatment" means
1-53 the planned, systematic use of a method or technique that is
1-54 designed to affect behavioral, emotional, or attitudinal
1-55 characteristics of an individual or group.

1-56 (a-2) Written consent for a parent's child to participate in
1-57 a district activity described by Subsection (a) must be signed by
1-58 the parent and returned to the district. A child may not
1-59 participate in the activity unless the district receives the
1-60 parent's signed written consent to that activity.

2-6 SECTION 2. This Act applies beginning with the 2023-2024
2-7 school year.

2-8 SECTION 3. This Act takes effect immediately if it receives
2-9 a vote of two-thirds of all the members elected to each house, as
2-10 provided by Section 39, Article III, Texas Constitution. If this
2-11 Act does not receive the vote necessary for immediate effect, this
2-12 Act takes effect September 1, 2023.

2-13 * * * * *