

SUBJECT: Requiring parental consent for a child to participate in certain mental tests

COMMITTEE: Public Education — favorable, without amendment

VOTE: 9 ayes — Buckley, Allison, Cunningham, Dutton, Harrison, Hefner, K.  
King, Longoria, Schaefer

3 nays — Allen, Hinojosa, Talarico

1 absent — Cody Harris

SENATE VOTE: On final passage (May 3) — 28 - 3

WITNESSES: None (*considered in a formal meeting on May 18*)

BACKGROUND: Some have suggested that parents should be able to consent to their  
children participating in psychological examinations used in the  
classroom.

DIGEST: SB 595 would require written parental consent for a child to participate in  
a district psychological or psychiatric test or treatment activity for each  
separate activity in which the child participated, and each written consent  
would have to be signed by the parent and returned to the district.

For the purposes of SB 595, "psychological or psychiatric examination or  
test" would be defined as 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, regardless of  
the manner in which the method was presented or characterized.

"Psychological or psychiatric treatment" would be defined as the planned,  
systematic use of a method or technique that was designed to affect  
behavioral, emotional, or attitudinal characteristics of an individual or  
group.

A child could not participate in the activity unless the district received the  
parent's signed written consent to that activity. The bill would not 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 and the term "check-in" would not include such an inquiry.

Nothing in the bill could be construed to affect a child's consent to counseling, the duty to report child abuse or neglect, or an investigation of a report of abuse or neglect.

The bill would apply beginning with the 2023-24 school year.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023.