

BILL ANALYSIS

Senate Research Center
88R24401 GCB-F

C.S.S.B. 595
By: Kolkhorst
Education
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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.

C.S.S.B. 595 requires school districts to obtain 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, or screening or embedded in an academic lesson. The substitute clarifies that the term "check-in" does 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.

C.S.S.B. 595 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 (a-3), 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. Makes nonsubstantive changes; 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) Defines "psychological or psychiatric examination or test" and "psychological or psychiatric treatment."

(a-2) Requires that 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.

(a-3) Provides that Subsection (a) does 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 for purposes of Subsection (a) and (a-1)(1) (relating to the definition of "psychological or psychiatric examination or test"), the term "check-in" does not include such an inquiry.

SECTION 2. Provides that this Act applies beginning with the 2023–2024 school year.

SECTION 3. Effective date: upon passage or September 1, 2023.