

FIRST REGULAR SESSION

# HOUSE BILL NO. 263

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES LINTON (Sponsor) AND PHILLIPS.

Read 1<sup>st</sup> time January 4, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

0647L.011

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### AN ACT

To amend chapter 167, RSMo, by adding thereto three new sections relating to required consent for student psychological testing in certain cases.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 167, RSMo, is amended by adding thereto three new sections, to be  
2 known as sections 167.650, 167.652 and 167.654, to read as follows:

**167.650. 1. As used in sections 167.650 to 167.654, the following terms mean:**

2 **(1) "Children", persons less than twenty-one years of age who are enrolled in a**  
3 **program not above the elementary or secondary education level;**

4 **(2) "Instructional material", teachers' manuals, films, tapes and other**  
5 **supplementary teaching materials;**

6 **(3) "Measuring and testing", the psychological assessment and evaluation of**  
7 **abilities, attitudes, aptitudes, achievements, adjustments, motives, personality dynamics**  
8 **or other psychological attributes of individuals or groups of individuals by means of**  
9 **standardized measurements or other methods, techniques or procedures recognized by the**  
10 **science and profession of psychology;**

11 **(4) "Prior consent":**

12 **(a) Prior consent of the student, if the student is eighteen years of age or older; or**

13 **(b) Prior written consent of the parent or guardian, if the student is less than**  
14 **eighteen years of age;**

15 **(5) "Psychiatric or psychological examination or test", a method of obtaining**  
16 **information, including a group activity, that is designed to elicit information about**  
17 **attitudes, habits, traits, opinions, beliefs or feelings;**

18 **(6) "Psychiatric or psychological treatment", an activity involving the planned,**

19 systematic use of methods or techniques designed to affect behavioral, emotional or  
20 attitudinal characteristics of an individual or group;

21 (7) "Psychological methods", the application of principles of learning and  
22 motivation in an interpersonal situation with the objectives of modification of perception  
23 and adjustment and requiring highly developed skills in the disciplines, techniques and  
24 methods of altering through learning processes, attitudes, feelings, values, self-concept,  
25 personal goals and adaptive patterns;

26 (8) "Research or experimentation program or project", any program or project in  
27 the public schools of this state that is designed to explore or develop new or unproven  
28 teaching methods or techniques.

167.652. All instructional material which will be used in connection with any  
2 research or experimentation program or project shall be available for inspection by any  
3 parent or guardian of a child engaged in any research or experimentation program.

167.654. 1. No child shall be required, as part of any program, project, class,  
2 course or activity in the public schools of this state, to submit, without prior consent, to  
3 psychiatric examination, testing or treatment or psychological examination, testing or  
4 treatment, where the primary purpose of such program, project, class, course or activity  
5 is to reveal information concerning one or more of the following:

- 6 (1) Political affiliations;
- 7 (2) Religious beliefs and practices;
- 8 (3) Mental and psychological problems potentially embarrassing to the student or  
9 a member of the student's family;
- 10 (4) Sex behavior and attitudes;
- 11 (5) Illegal, anti-social, self-incriminating and demeaning behavior;
- 12 (6) Critical appraisals of other individuals with whom the student has close family  
13 relationships;
- 14 (7) Legally recognized privileged and analogous relationships, such as those of  
15 lawyers, physicians and ministers; or
- 16 (8) Income, other than that required by law to determine eligibility for  
17 participation in a program or for receiving financial assistance under a program.

18 2. No person, except a psychiatrist or psychologist, licensed pursuant to the laws  
19 of this state, or a school psychologist, certified pursuant to the program standards of the  
20 National Association of School Psychologists, may perform:

- 21 (1) Measuring and testing of nonacademic and nonphysical criteria;
- 22 (2) Psychological methods;
- 23 (3) Psychiatric or psychological examination or testing; or
- 24 (4) Psychiatric or psychological treatment or examination.