

STATE OF NEW YORK

7762--A

2021-2022 Regular Sessions

IN ASSEMBLY

May 21, 2021

Introduced by M. of A. O'DONNELL, WOERNER, BURDICK, McDONALD, GALEF, KELLES, CARROLL, GOTTFRIED, DICKENS, BRONSON, SIMON, ENGLEBRIGHT, EPSTEIN, FAHY, J. M. GIGLIO, FRONTUS, GONZALEZ-ROJAS, GLICK -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to enacting the student suicide prevention act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "student suicide prevention act".

§ 2. The education law is amended by adding a new article 2-A to read as follows:

ARTICLE 2-A

STUDENT SUICIDE PREVENTION

Section 20. Legislative intent.

21. Definitions.

22. Policies, procedures, and guidelines.

23. Application.

24. Severability and construction.

§ 20. Legislative intent. The legislature finds and declares the following: 1. According to data from the federal Centers for Disease Control and Prevention as reported in the year two thousand sixteen, suicide is the second leading cause of death for youth and young adults ten to twenty-four years of age, inclusive, in both the United States and in New York state.

2. As children and teens spend a significant amount of their young lives in school, the personnel who interact with them on a daily basis

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD11460-02-2

1 are essential gatekeepers for recognizing warning signs of suicide and
2 making the appropriate referrals for help.

3 3. In a national survey conducted by the Jason Foundation, a teacher
4 was identified as the number one person to whom a student would turn to
5 help a friend who might be suicidal. It is imperative that when a young
6 person comes to a teacher for help, such teacher has the knowledge,
7 tools, and resources to respond correctly.

8 4. In the year two thousand eighteen, the federal Centers for Disease
9 Control and Prevention found in its Youth Risk Behavior Survey that
10 lesbian, gay, and bisexual youth are almost four times more likely to
11 seriously consider attempting suicide, have made a suicide plan, or have
12 attempted suicide, than their heterosexual peers.

13 5. There are national hotlines available to help adults and youth,
14 including lesbian, gay, bisexual, transgender, queer or questioning
15 (LGBTQ) youth, who are experiencing suicidal ideation or who are worried
16 about a family member or peer who may be at risk, including the National
17 Suicide Prevention Lifeline, the Crisis Text Line, the Trevor Project
18 Lifeline, and TrevorChat.

19 6. According to the Family Acceptance Project, research has found
20 that, for an LGBTQ youth, having at least one supportive adult can
21 reduce the youth's risk of suicide.

22 7. New York state schools face the serious issues of students at high
23 risk of suicide and death by suicide in the school communities. School
24 personnel must be supported by clear policies and procedures, which
25 serve as an easily-accessible roadmap, eliminate confusion over educator
26 roles and the referral process, and equip educators with the tools to
27 respond safely when a suicide does occur in the school community.

28 § 21. Definitions. For the purposes of this article, the following
29 terms shall have the following meanings: 1. "Crisis situation" means a
30 situation where a teacher or other local educational agency employee
31 believes a student or other individual is in imminent danger of a
32 suicide attempt.

33 2. "LGBTQ" means, with regards to gender identity or expression, a
34 person's actual or perceived gender-related identity, appearance, behav-
35 ior, expression, or other gender-related characteristics regardless of
36 the sex assigned to that person at birth, including, but not limited to,
37 gender nonconformity and the status of being transgender, nonbinary, or
38 intersex; and in regards to sexual orientation, a person's heterosexual-
39 ity, homosexuality, bisexuality or asexuality, whether actual or
40 perceived, or such person identifying as lesbian, gay, bisexual, trans-
41 gender, queer or questioning.

42 3. "Local educational agency" means a school district, board of coop-
43 erative educational services, school, or the education department.

44 4. "Suicide intervention" means specific actions schools can take in
45 response to suicidal behavior by a student, including, but not limited
46 to:

47 a. student supervision;
48 b. notification of parents or guardians;
49 c. crisis situation response protocols;
50 d. when and how to request an immediate mental health assessment or
51 emergency services; and
52 e. school re-entry procedures following a student mental health
53 crisis.

54 5. "Suicide postvention" means planned support and interventions
55 schools can implement after a suicide attempt or suicide death of a
56 member of the school community that are designed to:

1 a. reduce the risk of occurrence of suicide clusters and related
2 phenomena following exposure to the suicide or suicidal behavior of one
3 or more persons;

4 b. provide support for affected students and school-based personnel;

5 c. address the social stigma associated with suicide; and

6 d. disseminate factual information about suicide and its prevention.

7 6. "Suicide prevention" means specific actions schools can take to
8 recognize and reduce suicidal behavior, including, but not limited to:

9 a. identifying risks and protective factors for suicide and suicide
10 warning signs;

11 b. establishing a process by which students are referred to a mental
12 and behavioral health provider for help;

13 c. making available school-based and community-based mental health
14 supports;

15 d. providing the location of available online and community suicide
16 prevention resources, including local crisis centers and hotlines;

17 e. adopting policies and protocols regarding suicide prevention,
18 intervention, and postvention, school safety, and response to crisis
19 situations;

20 f. training for school personnel who interact directly with students
21 in recognizing suicide risks and warning signs and how to refer students
22 for further assessment and evaluation; and

23 g. instruction to students in problem-solving and coping skills to
24 promote students' mental, emotional, and social health and well-being,
25 and instruction in recognizing and appropriately responding to signs of
26 suicidal intent in others.

27 § 22. Policies, procedures, and guidelines. 1. The governing board or
28 body of every local educational agency that serves students in grades
29 seven to twelve, inclusive, shall, before the first day of August, two
30 thousand twenty-two, adopt policies, procedures, and guidelines on
31 student suicide prevention, intervention, and postvention for students
32 in such grades. Such policies, procedures, and guidelines shall be
33 developed in consultation with school and community stakeholders,
34 school-employed mental health professionals, and suicide prevention
35 experts, and shall include, but not be limited to:

36 a. methods to increase awareness of the relationship between suicide
37 and suicide risk factors including, but not limited to:

38 i. mental health and substance use conditions;

39 ii. childhood abuse, neglect, or trauma;

40 iii. prolonged stress, including individual experiences such as bully-
41 ing, harassment, family or relationship stress, or other stressful life
42 events, as well as collective stressors such as systemic bias and
43 discrimination;

44 iv. exposure to another person's suicide, or sensationalized or graph-
45 ic accounts of suicide; and

46 v. previous suicide attempts or history of suicide within a student's
47 family;

48 b. identification of training opportunities on recognizing suicide
49 risks, and referral procedures available to school employees;

50 c. availability of expertise from school employees who have been
51 trained in recognizing suicide risks, and referral procedures;

52 d. how school employees should respond to suspicion, concerns, or
53 warning signs of suicide in students;

54 e. how school employees should respond to a crisis situation where a
55 student is in imminent danger to himself or herself;

1 f. policies and protocols for communication with parents, including
2 those that specify what to do if parental notification is not in the
3 best interest of the student;

4 g. counseling services available within the school for students and
5 their families that are related to suicide prevention;

6 h. availability of information concerning crisis situation inter-
7 vention, suicide prevention, and mental health services in the community
8 for students and their families and school employees;

9 i. identification and development of partnerships with community
10 organizations and agencies for referral of students to health, mental
11 health, substance use, and social support services, including develop-
12 ment of at least one memorandum of understanding between the local
13 education agency and such an organization or agency in the community or
14 region;

15 j. development of a culturally competent plan to assist survivors of
16 attempted suicide and to assist students and school employees in coping
17 with an attempted suicide or a suicide death within the school communi-
18 ty; and

19 k. development of any other related program or activity for students
20 or school employees.

21 2. The policies, procedures, and guidelines adopted pursuant to subdi-
22 vision one of this section shall specifically address the needs of high-
23 risk groups, including, but not limited to, the following:

24 a. youth who have lost a friend or family member to suicide;

25 b. youth with disabilities or with chronic health conditions, includ-
26 ing mental health and substance use conditions;

27 c. youth experiencing homelessness or in out-of-home settings, such as
28 foster care;

29 d. LGBTQ youth; and

30 e. youth of color.

31 3. The policies, procedures, and guidelines adopted pursuant to subdi-
32 vision one of this section shall be written to ensure that a school
33 employee acts only within the authorization and scope of such employee's
34 credential or license. Nothing in this section shall be construed as
35 authorizing or encouraging a school employee to diagnose or treat mental
36 health conditions unless such employee is specifically licensed and
37 employed to do so.

38 4. Notwithstanding any other provision of law to the contrary, no
39 cause of action may be brought for any loss or damage caused by any act
40 or omission resulting from the implementation of the provisions of this
41 article, or resulting from any training, or lack of training, required
42 by this article. Nothing in this article shall be construed to impose
43 any specific duty of care.

44 5. a. To assist local educational agencies in developing policies for
45 student suicide prevention, the department shall develop and maintain
46 model policies, procedures, and guidelines in accordance with this
47 section to serve as a guide for local educational agencies. Such model
48 policies, procedures, and guidelines shall be posted within thirty days
49 of their completion on the department's internet website, along with
50 relevant resources and information to support schools in developing and
51 implementing the policies, procedures, and guidelines required under
52 subdivision one of this section.

53 b. To assist parents and teachers in their access to the policies,
54 procedures, and guidelines adopted by local educational agencies, such
55 policies, procedures, and guidelines shall be posted on the internet
56 websites of the department and each local educational agency.

1 6. The governing board or body of a local educational agency that
2 serves students in grades seven to twelve, inclusive, shall review, at
3 minimum every fifth year following the effective date of this article,
4 its policies, procedures, and guidelines on student suicide prevention
5 and, if necessary, update such policies, procedures, and guidelines.

6 § 23. Application. The provisions of this article shall apply to all
7 private and public educational institutions in New York state.

8 § 24. Severability and construction. The provisions of this article
9 shall be severable, and if any court of competent jurisdiction declares
10 any phrase, clause, sentence or provision of this article to be invalid,
11 or its applicability to any government agency, person or circumstance is
12 declared invalid, the remainder of this article and its relevant appli-
13 cability shall not be affected. The provisions of this article shall be
14 liberally construed to give effect to the purposes thereof.

15 § 3. This act shall take effect immediately.