

STATE OF NEW YORK

7138--A

IN SENATE

January 8, 2020

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- 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:

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

3 § 2. The education law is amended by adding a new article 2-A to read
4 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.

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

18 2. As children and teens spend a significant amount of their young
19 lives in school, the personnel who interact with them on a daily basis
20 are essential gatekeepers for recognizing warning signs of suicide and
21 making the appropriate referrals for help.

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

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

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

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

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

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

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

26 2. "LGBTQ" means individuals who identify, with regards to gender, as
27 being lesbian, gay, bisexual, transgender, queer or questioning.

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

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

33 a. student supervision;

34 b. notification of parents or guardians;

35 c. crisis situation response protocols;

36 d. when and how to request an immediate mental health assessment or
37 emergency services; and

38 e. school re-entry procedures following a student mental health
39 crisis.

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

43 a. reduce the risk of the spread of suicidal thoughts or intentions;

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

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

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

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

49 a. identifying risks and protective factors for suicide and suicide
50 warning signs;

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

53 c. making available school-based and community-based mental health
54 supports;

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

1 e. adopting policies and protocols regarding suicide prevention,
2 intervention, and postvention, school safety, and response to crisis
3 situations;

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

7 g. instruction to students in problem-solving and coping skills to
8 promote students' mental, emotional, and social health and well-being,
9 and instruction in recognizing and appropriately responding to signs of
10 suicidal intent in others.

11 § 22. Policies, procedures, and guidelines. 1. The governing board or
12 body of every local educational agency that serves students in grades
13 seven to twelve, inclusive, shall, before the first day of August, two
14 thousand twenty, adopt policies, procedures, and guidelines on student
15 suicide prevention, intervention, and postvention for students in such
16 grades. Such policies, procedures, and guidelines shall be developed in
17 consultation with school and community stakeholders, school-employed
18 mental health professionals, and suicide prevention experts, and shall
19 include, but not be limited to:

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

22 i. mental health and substance use conditions;

23 ii. childhood abuse, neglect, or trauma;

24 iii. prolonged stress, such as bullying, harassment, relationship
25 stress, or other stressful life events;

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

28 v. previous suicide attempts or history of suicide within a student's
29 family;

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

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

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

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

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

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

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

46 i. identification and development of partnerships with community
47 organizations and agencies for referral of students to health, mental
48 health, substance use, and social support services, including develop-
49 ment of at least one memorandum of understanding between the local
50 education agency and such an organization or agency in the community or
51 region;

52 j. development of a plan to assist survivors of attempted suicide and
53 to assist students and school employees in coping with an attempted
54 suicide or a suicide death within the school community; and

55 k. development of any other related program or activity for students
56 or school employees.

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

- 4 a. youth who have lost a friend or family member to suicide;
5 b. youth with disabilities or with chronic health conditions, includ-
6 ing mental health and substance use conditions;
7 c. youth experiencing homelessness or in out-of-home settings, such as
8 foster care; and
9 d. LGBTQ youth.

10 3. The policies, procedures, and guidelines adopted pursuant to subdivi-
11 vision one of this section shall be written to ensure that a school
12 employee acts only within the authorization and scope of such employee's
13 credential or license. Nothing in this section shall be construed as
14 authorizing or encouraging a school employee to diagnose or treat mental
15 health conditions unless such employee is specifically licensed and
16 employed to do so.

17 4. Notwithstanding any other provision of law to the contrary, no
18 cause of action may be brought for any loss or damage caused by any act
19 or omission resulting from the implementation of the provisions of this
20 article, or resulting from any training, or lack of training, required
21 by this article. Nothing in this article shall be construed to impose
22 any specific duty of care.

23 5. To assist local educational agencies in developing policies for
24 student suicide prevention, the department shall develop and maintain
25 model policies, procedures, and guidelines in accordance with this
26 section to serve as a guide for local educational agencies. Such model
27 policies, procedures, and guidelines shall be posted within thirty days
28 of their completion on the department's internet website, along with
29 relevant resources and information to support schools in developing and
30 implementing the policies, procedures, and guidelines required under
31 subdivision one of this section.

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

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

39 § 24. Severability and construction. The provisions of this article
40 shall be severable, and if any court of competent jurisdiction declares
41 any phrase, clause, sentence or provision of this article to be invalid,
42 or its applicability to any government agency, person or circumstance is
43 declared invalid, the remainder of this article and its relevant appli-
44 cability shall not be affected. The provisions of this article shall be
45 liberally construed to give effect to the purposes thereof.

46 § 3. This act shall take effect immediately.