

STATE OF NEW YORK

82--A

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. HOYLMAN, GOUNARDES, PARKER -- 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.

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

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

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

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

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

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

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

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

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

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

38 a. student supervision;
39 b. notification of parents or guardians;
40 c. crisis situation response protocols;
41 d. when and how to request an immediate mental health assessment or
42 emergency services; and
43 e. school re-entry procedures following a student mental health
44 crisis.

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

48 a. reduce the risk of the spread of suicidal thoughts or intentions;
49 b. provide support for affected students and school-based personnel;
50 c. address the social stigma associated with suicide; and
51 d. disseminate factual information about suicide and its prevention.

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

54 a. identifying risks and protective factors for suicide and suicide
55 warning signs;

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

3 c. making available school-based and community-based mental health
4 supports;

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

7 e. adopting policies and protocols regarding suicide prevention,
8 intervention, and postvention, school safety, and response to crisis
9 situations;

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

13 g. instruction to students in problem-solving and coping skills to
14 promote students' mental, emotional, and social health and well-being,
15 and instruction in recognizing and appropriately responding to signs of
16 suicidal intent in others.

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

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

28 i. mental health and substance use conditions;

29 ii. childhood abuse, neglect, or trauma;

30 iii. prolonged stress, including individual experiences such as bully-
31 ing, harassment, family or relationship stress, or other stressful life
32 events, as well as collective stressors such as systemic bias and
33 discrimination;

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

36 v. previous suicide attempts or history of suicide within a student's
37 family;

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

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

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

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

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

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

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

54 i. identification and development of partnerships with community
55 organizations and agencies for referral of students to health, mental
56 health, substance use, and social support services, including develop-

1 ment of at least one memorandum of understanding between the local
2 education agency and such an organization or agency in the community or
3 region;

4 j. development of a culturally competent plan to assist survivors of
5 attempted suicide and to assist students and school employees in coping
6 with an attempted suicide or a suicide death within the school communi-
7 ty; and

8 k. development of any other related program or activity for students
9 or school employees.

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

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

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

16 c. youth experiencing homelessness or in out-of-home settings, such as
17 foster care; and

18 d. LGBTQ youth.

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

26 4. Notwithstanding any other provision of law to the contrary, no
27 cause of action may be brought for any loss or damage caused by any act
28 or omission resulting from the implementation of the provisions of this
29 article, or resulting from any training, or lack of training, required
30 by this article. Nothing in this article shall be construed to impose
31 any specific duty of care.

32 5. To assist local educational agencies in developing policies for
33 student suicide prevention, the department shall develop and maintain
34 model policies, procedures, and guidelines in accordance with this
35 section to serve as a guide for local educational agencies. Such model
36 policies, procedures, and guidelines shall be posted within thirty days
37 of their completion on the department's internet website, along with
38 relevant resources and information to support schools in developing and
39 implementing the policies, procedures, and guidelines required under
40 subdivision one of this section.

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

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

48 § 24. Severability and construction. The provisions of this article
49 shall be severable, and if any court of competent jurisdiction declares
50 any phrase, clause, sentence or provision of this article to be invalid,
51 or its applicability to any government agency, person or circumstance is
52 declared invalid, the remainder of this article and its relevant appli-
53 cability shall not be affected. The provisions of this article shall be
54 liberally construed to give effect to the purposes thereof.

55 § 3. This act shall take effect immediately.