

# STATE OF NEW YORK

4763

2021-2022 Regular Sessions

## IN ASSEMBLY

February 8, 2021

Introduced by M. of A. O'DONNELL, GRIFFIN, FERNANDEZ, COLTON, MAGNARELLI, SEAWRIGHT, WILLIAMS, CRUZ, FRONTUS, L. ROSENTHAL, SIMON, EPSTEIN, SAYEGH, RAMOS, BARRON, HYNDMAN, TAYLOR, ABBATE, SANTABARBARA, DE LA ROSA, DAVILA, GLICK, NIOU, AUBRY, LAVINE, GOTTFRIED, McDONOUGH, THIELE -- Multi-Sponsored by -- M. of A. ENGLEBRIGHT, GALEF, NOLAN, WOERNER -- read once and referred to the Committee on Education

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

5  
6  
7 Section 20. Legislative intent.

8 21. Definitions.

9 22. Policies, procedures, and guidelines.

10 23. Application.

11 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.

LBD02543-01-1

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, such as bullying, harassment, relationship  
31 stress, or other stressful life events;

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

34 v. previous suicide attempts or history of suicide within a student's  
35 family;

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

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

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

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

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

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

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

52 i. identification and development of partnerships with community  
53 organizations and agencies for referral of students to health, mental  
54 health, substance use, and social support services, including develop-  
55 ment of at least one memorandum of understanding between the local

1 education agency and such an organization or agency in the community or  
2 region;

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

6 k. development of any other related program or activity for students  
7 or school employees.

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

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

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

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

16 d. LGBTQ youth.

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

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

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

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

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

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

53 § 3. This act shall take effect immediately.