

STATE OF NEW YORK

82

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed 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

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

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

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1 person comes to a teacher for help, such teacher has the knowledge,
2 tools, and resources to respond correctly.

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

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

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

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

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

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

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

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

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

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

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

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

- 51 a. identifying risks and protective factors for suicide and suicide
52 warning signs;
53 b. establishing a process by which students are referred to a mental
54 and behavioral health provider for help;
55 c. making available school-based and community-based mental health
56 supports;

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

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

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

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

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

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

24 i. mental health and substance use conditions;

25 ii. childhood abuse, neglect, or trauma;

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

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

30 v. previous suicide attempts or history of suicide within a student's
31 family;

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

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

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

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

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

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

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

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

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

1 k. development of any other related program or activity for students
2 or school employees.

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

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

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

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

11 d. LGBTQ youth.

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

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

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

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

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

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

48 § 3. This act shall take effect immediately.