STATE OF NEW YORK

8396

2025-2026 Regular Sessions

IN ASSEMBLY

May 13, 2025

Introduced by M. of A. WOERNER, LEVENBERG -- 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:

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

3. In a national survey conducted by the Jason Foundation, a teacher was identified as the number one person to whom a student would turn to 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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person comes to a teacher for help, such teacher has the knowledge, tools, and resources to respond correctly.

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

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

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

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

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

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

3. "Local educational agency" means a school district, board of cooperative educational services, school, or the education department.

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

a. student supervision;

b. notification of parents or guardians;

c. crisis situation response protocols;

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

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

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

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

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

c. address the social stigma associated with suicide; and

d. disseminate factual information about suicide and its prevention.

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

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

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

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

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

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

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

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

7. "Mechanical restraints" means any device that restricts an individual's freedom of movement and that the individual cannot easily remove, including but not limited to handcuffs and nylon or velcro restraints.

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

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

i. mental health and substance use conditions;

ii. childhood abuse, neglect, or trauma;

iii. prolonged stress, including individual experiences such as bullying, harassment, family or relationship stress, or other stressful life events, as well as collective stressors such as systemic bias and discrimination;

iv. exposure to another person's suicide, or sensationalized or graphic accounts of suicide; and

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

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

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

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

e. how school employees should respond to a crisis situation where a student is in imminent danger to themself;

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

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

h. availability of information concerning crisis situation intervention, suicide prevention, and mental health services in the community for students and their families and school employees;

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

education agency and such an organization or agency in the community or region, other than a law enforcement agency;

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

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

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

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

b. youth with disabilities or with chronic health conditions, including mental health and substance use conditions;

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

d. LGBTQ youth.

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

4. The policies, procedures and guidelines adopted pursuant to this section shall ensure that school officials are solely responsible for responding to student behavior. Such policies, procedures and guidelines shall make clear that law enforcement involvement in addressing student behavior should be the last resort and shall make clear that unless otherwise authorized by state law:

a. Law enforcement officers and school resource officers shall not use mechanical restraints on a student unless such restraints are necessary to prevent imminent and serious physical injury to such student or another person, and the use of such restraints is limited in duration to the time period in which such student presents a risk of causing serious physical injury to themselves or others; and

b. Any determination that a student requires hospital transport for a mental health evaluation shall be made by a clinically trained mental health professional whenever practicable. Such student shall be accompanied during such transport by a school social worker, guidance counselor, nurse, therapist or a designated school employee, and such person shall stay with the student until their parent or parent's designee arrives. The school shall be responsible for contacting the parent when such hospital transport is needed.

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

6. To assist local educational agencies in developing policies for student suicide prevention, the department shall develop and maintain model policies, procedures, and guidelines in accordance with this section to serve as a guide for local educational agencies. Such model policies, procedures, and guidelines shall be posted within thirty days of their completion on the department's internet website, along with

relevant resources and information to support schools in developing and implementing the policies, procedures, and guidelines required under subdivision one of this section.

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

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

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

§ 3. Subdivisions 1, 2, 7 and 8 of section 11 of the education law, subdivisions 1 and 2 as added by chapter 482 of the laws of 2010 and subdivision 7 as amended and subdivision 8 as added by chapter 102 of the laws of 2012, are amended and a new subdivision 11 is added to read as follows:

1. "School property" shall mean in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus, as defined in section one hundred forty-two of the vehicle and traffic law; or in a school administrative building.

2. "School function" shall mean a school-sponsored extra-curricular event or activity, or a school board or trustee meeting.

7. "Harassment" [~~and "bullying"~~] shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for [~~his or her~~] their physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. Acts of harassment [~~and bullying~~] shall include, but not be limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and nonverbal actions.

8. "Cyberbullying" shall mean harassment or bullying as defined in [~~subdivision seven of~~] this section, [~~including paragraphs (a), (b), (c) and (d) of such subdivision,~~] where such harassment or bullying occurs through any form of electronic communication, including but not limited to cell phones, email, social media or text messaging.

11. "Bullying" shall mean a pattern of repeated and deliberate aggressive acts intended to harm or humiliate another person who is smaller, weaker, younger or in any way more vulnerable than the bully, and may

involve verbal attacks, teasing, physical attacks, threats of harm, sharing personal or private information about someone causing embarrassment, deliberate exclusion from activities, or other forms of intimidation. The deliberate targeting of a vulnerable person distinguishes "bullying" from "conflict" or other kinds of aggression.

§ 4. Subdivision 1 of section 12 of the education law, as amended by chapter 102 of the laws of 2012, is amended to read as follows:

1. No student shall be subjected to harassment or bullying by employees, school board members, school trustees, or students on school property or at a school function; nor shall any student be subjected to discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees, school board members, school trustees, or students on school property or at a school function. Nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under section thirty-two hundred one-a or paragraph (a) of subdivision two of section twenty-eight hundred fifty-four of this chapter and title IX of the Education Amendments of 1972 (20 U.S.C. section 1681, et. seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under section 504 of the Rehabilitation Act of 1973.

§ 5. Paragraphs e, k and l of subdivision 1 of section 13 of the education law, as added by chapter 102 of the laws of 2012, are amended and a new paragraph m is added to read as follows:

e. require the school, when an investigation reveals any such verified harassment, bullying or discrimination, to take prompt actions reasonably calculated to end the harassment, bullying or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom such harassment, bullying or discrimination was directed. Such actions shall be consistent with the guidelines created pursuant to subdivision four of this section and shall take into consideration whether notification of persons in parental relation to the student who is the subject of such harassment, bullying or discrimination is in the best interest of the student;

k. require each school, at least once during each school year, to provide all school employees, students and parents with a written or electronic copy of the school district's policies created pursuant to this section, or a plain-language summary thereof, including notification of the process by which students, parents and school employees may report harassment, bullying and discrimination and to post a written notification informing students about such policy and the name of the school employee designated to receive reports of harassment, bullying and discrimination in the school lobby and in every restroom used by students as well as other parts of the school where students are likely to see such notification. This subdivision shall not be construed to require additional distribution of such policies and guidelines if they are otherwise distributed to school employees, students and parents;

l. maintain current versions of the school district's policies created pursuant to this section on the school district's internet website, if one exists; and

m. include safe, responsible use of the internet and electronic communications in the school district's policies; and

§ 6. Section 15 of the education law, as amended by chapter 102 of the laws of 2012, is amended to read as follows:

§ 15. Reporting by commissioner **and use of reports**. **1.** The commissioner shall create a procedure under which material incidents of harassment, bullying and discrimination on school grounds or at a school function are reported to the department at least on an annual basis. Such procedure shall provide that such reports shall, wherever possible, also delineate the specific nature of such incidents of harassment, bullying and discrimination, [~~provided that the commissioner may comply with the requirements of this section through use of the existing uniform violent incident reporting system~~] **including but not limited to whether such incidents were student-on-student, student-on-employee, or employee-on-student, the number of complaints dismissed and the basis for dismissal, the number of students, if any, who withdrew from the school following the filing of a complaint and prior to the next succeeding school year, the number of complaints resulting in any action taken, and the action taken, including student or employee training or education, student or employee discipline, or employee removal, leave of absence, or retirement**. In addition**,** the department may conduct research or undertake studies to determine compliance throughout the state with the provisions of this article.

2. The commissioner shall use such reports and data to identify schools and districts that are failing to meet the standards and objectives of this article. The commissioner shall promulgate policies and procedures for improving conditions at these schools to ensure proper training, support, and compliance with all requirements.

3. The commissioner shall deliver the report referenced in subdivision one of this section to the legislature, temporary president of the senate, speaker of the assembly, chair of the senate education committee and chair of the assembly education committee every two years on or before the first day of November.

§ 7. Section 16 of the education law, as amended by chapter 102 of the laws of 2012, is amended to read as follows:

§ 16. Protection of people who report harassment, bullying or discrimination. Any person having reasonable cause to suspect that a student has been subjected to harassment, bullying or discrimination, by an employee**, school board member, school trustee** or student, on school grounds or at a school function, who, acting reasonably and in good faith, reports such information to school officials, to the commissioner or to law enforcement authorities, acts in compliance with paragraph e or i of subdivision one of section thirteen of this article, or otherwise initiates, testifies, participates or assists in any formal or informal proceedings under this article, shall have immunity from any civil liability that may arise from the making of such report or from initiating, testifying, participating or assisting in such formal or informal proceedings, and no school district or employee shall take, request or cause a retaliatory action against any such person who, acting reasonably and in good faith, either makes such a report or initiates, testifies, participates or assists in such formal or informal proceedings.

§ 8. Subdivision 1 of section 2801 of the education law, as amended by chapter 402 of the laws of 2005, is amended to read as follows:

1. **a.** For purposes of this section, [~~school property~~] **the following terms shall have the following meanings:**

(i) "School property" means**:**

(A) in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boun-

dary line of a public elementary or secondary school **or within a school administration building**; or

(B) in or on a school bus, as defined in section one hundred forty-two of the vehicle and traffic law[**~~; and a school function~~**]**.**

(ii) "School function" shall mean a school-sponsored or school-authorized extra-curricular event or activity **or a school board or trustee meeting,** regardless of where such event or activity takes place, including any event or activity that may take place in another state.

b. This section shall also apply to cyberbullying, whether on or off school property or at a school function.

§ 9. This act shall take effect immediately.