

SUICIDE PREVENTION REVISIONS

2014 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill amends certain student survey and evaluation provisions related to public school suicide prevention.

Highlighted Provisions:

This bill:

- ▶ under certain circumstances, allows a school employee or agent to intervene and ask a student questions regarding the student's suicidal thoughts, self-harming behavior, or thoughts of harming others, for the purposes of:
 - referring the student to appropriate prevention services; and
 - informing the student's parent;
- ▶ requires a school district or charter school to develop a policy related to school employee intervention measures on or before September 1, 2014;
- ▶ allows school personnel to evaluate, or ask a student questions related to youth suicide prevention, intervention, or postvention as part of the school's suicide prevention program; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-13-302, as last amended by Laws of Utah 2013, Chapter 335

53A-15-1301, as enacted by Laws of Utah 2013, Chapter 194

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53A-13-302** is amended to read:

53A-13-302. Activities prohibited without prior written consent -- Validity of consent -- Qualifications -- Training on implementation.

(1) ~~[Policies]~~ Except as provided in Subsection (7), Section 53A-11a-203, and Section 53A-15-1301, policies adopted by a school district or charter school under Section 53A-13-301 shall include prohibitions on the administration to a student of any psychological or psychiatric examination, test, or treatment, or any survey, analysis, or evaluation without the prior written consent of the student's parent or legal guardian, in which the purpose or evident intended effect is to cause the student to reveal information, whether the information is personally identifiable or not, concerning the student's or any family member's:

(a) political affiliations or, except as provided under Section 53A-13-101.1 or rules of the State Board of Education, political philosophies;

(b) mental or psychological problems;

(c) sexual behavior, orientation, or attitudes;

(d) illegal, anti-social, self-incriminating, or demeaning behavior;

(e) critical appraisals of individuals with whom the student or family member has close family relationships;

(f) religious affiliations or beliefs;

(g) legally recognized privileged and analogous relationships, such as those with lawyers, medical personnel, or ministers; and

(h) income, except as required by law.

(2) Prior written consent under Subsection (1) is required in all grades, kindergarten through grade 12.

(3) Except as provided in Subsection (7), Section 53A-11a-203, and Section 53A-15-1301, the prohibitions under Subsection (1) shall also apply within the curriculum and other school activities unless prior written consent of the student's parent or legal guardian has been obtained.

(4) Written parental consent is valid only if a parent or legal guardian has been first given written notice, including notice that a copy of the educational or student survey questions to be asked of the student in obtaining the desired information is made available at the school, and a reasonable opportunity to obtain written information concerning:

(a) records or information, including information about relationships, that may be

64 examined or requested;

65 (b) the means by which the records or information shall be examined or reviewed;

66 (c) the means by which the information is to be obtained;

67 (d) the purposes for which the records or information are needed;

68 (e) the entities or persons, regardless of affiliation, who will have access to the
69 personally identifiable information; and

70 (f) a method by which a parent of a student can grant permission to access or examine
71 the personally identifiable information.

72 (5) (a) Except in response to a situation which a school employee reasonably believes
73 to be an emergency, or as authorized under Title 62A, Chapter 4a, Part 4, Child Abuse or
74 Neglect Reporting Requirements, or by order of a court, disclosure to a parent or legal guardian
75 must be given at least two weeks before information protected under this section is sought.

76 (b) Following disclosure, a parent or guardian may waive the two week minimum
77 notification period.

78 (c) Unless otherwise agreed to by a student's parent or legal guardian and the person
79 requesting written consent, the authorization is valid only for the activity for which it was
80 granted.

81 (d) A written withdrawal of authorization submitted to the school principal by the
82 authorizing parent or guardian terminates the authorization.

83 (e) A general consent used to approve admission to school or involvement in special
84 education, remedial education, or a school activity does not constitute written consent under
85 this section.

86 (6) (a) This section does not limit the ability of a student under Section 53A-13-101.3
87 to spontaneously express sentiments or opinions otherwise protected against disclosure under
88 this section.

89 (b) (i) If a school employee or agent believes that a situation exists which presents a
90 serious threat to the well-being of a student, that employee or agent shall notify the student's
91 parent or guardian without delay.

92 (ii) If, however, the matter has been reported to the Division of Child and Family
93 Services within the Department of Human Services, it is the responsibility of the division to
94 notify the student's parent or guardian of any possible investigation, prior to the student's return

95 home from school.

96 (iii) The division may be exempted from the notification requirements described in this
97 Subsection (6)(b)(ii) only if it determines that the student would be endangered by notification
98 of his parent or guardian, or if that notification is otherwise prohibited by state or federal law.

99 (7) (a) If a school employee or agent believes a student is at-risk of attempting suicide,
100 self-harming, or harming others, the school employee or agent may intervene and ask a student
101 questions regarding the student's suicidal thoughts, self-harming behavior, or thoughts of
102 harming others for the purposes of:

103 (i) referring the student to appropriate prevention services; and

104 (ii) informing the student's parent.

105 (b) On or before September 1, 2014, a school district or charter school shall develop
106 and adopt a policy regarding school employee intervention measures consistent with
107 Subsection (7)(a).

108 ~~[(7)]~~ (8) Local school boards and charter school governing boards shall provide
109 inservice for teachers and administrators ~~[within their respective school districts]~~ on the
110 implementation of this section.

111 ~~[(8)]~~ (9) The board shall provide procedures for disciplinary action for violations of
112 this section.

113 Section 2. Section **53A-15-1301** is amended to read:

114 **53A-15-1301. Youth suicide prevention programs required in secondary schools**
115 **-- State Board of Education to develop model programs -- Reporting requirements.**

116 (1) As used in the section:

117 (a) "Board" means the State Board of Education.

118 (b) "Intervention" means an effort to prevent a student from attempting suicide.

119 (c) "Postvention" means mental health intervention after a suicide attempt or death to
120 prevent or contain contagion.

121 (d) "Program" means a youth suicide prevention program described in Subsection (2).

122 (e) "Secondary grades":

123 (i) means grades 7 through 12; and

124 (ii) if a middle or junior high school includes grade 6, includes grade 6.

125 (f) "State Office of Education suicide prevention coordinator" means a person

designated by the board as described in Subsection (3).

(g) "State suicide prevention coordinator" means the state suicide prevention coordinator described in Section 62A-15-1101.

(2) (a) In collaboration with the State Office of Education suicide prevention coordinator, a school district or charter school shall implement a youth suicide prevention program in the secondary grades of the school district or charter school.

(b) A school district or charter school's program shall include the following components:

(i) prevention of youth suicides;

(ii) youth suicide intervention; and

(iii) postvention for family, students, and faculty.

(3) The board shall:

(a) designate a State Office of Education suicide prevention coordinator; and

(b) in collaboration with the Department of Health and the state suicide prevention coordinator, develop model programs to provide to school districts and charter schools:

(i) program training; and

(ii) resources regarding the required components described in Subsection (2)(b).

(4) The State Office of Education suicide prevention coordinator shall:

(a) oversee the youth suicide prevention programs of school districts and charter schools; and

(b) coordinate prevention and postvention programs, services, and efforts with the state suicide prevention coordinator.

(5) A public school suicide prevention program may allow school personnel to survey, evaluate, or ask a student questions related to youth suicide prevention, intervention, or postvention.

~~[(5)]~~ (6) Subject to legislative appropriation, the board may distribute money to a school district or charter school to be used to implement a program in the school district or charter school.

~~[(6)]~~ (7) (a) The board shall report to the Legislature's Education Interim Committee, by the November 2014 meeting, jointly with the state suicide prevention coordinator, on:

(i) the progress of school district and charter school programs; and

157 (ii) the board's coordination efforts with the Department of Health and the state suicide
158 prevention coordinator.
159 (b) School districts and charter schools shall provide to the board information that is
160 necessary for the board's report to the Legislature's Education Interim Committee as required in
161 Subsection ~~[(6)]~~ (7)(a).

Legislative Review Note
as of 11-5-13 4:09 PM

Office of Legislative Research and General Counsel