

SUICIDE PREVENTION REVISIONS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Steve Eliason

Senate Sponsor: _____

LONG TITLE

Committee Note:

The Education Interim Committee recommended this bill.

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 ~~to~~ agent , or school resource officer to intervene and ask a student questions regarding the student's suicidal thoughts, physically 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 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



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **53A-13-302**, as last amended by Laws of Utah 2013, Chapter 335

33 **53A-15-1301**, as enacted by Laws of Utah 2013, Chapter 194



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

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

37 **53A-13-302. Activities prohibited without prior written consent -- Validity of**
38 **consent -- Qualifications -- Training on implementation.**

39 (1) [~~Policies~~] Except as provided in Subsection (7), Section [53A-11a-203](#), and Section
40 [53A-15-1301](#), policies adopted by a school district or charter school under Section [53A-13-301](#)
41 shall include prohibitions on the administration to a student of any psychological or psychiatric
42 examination, test, or treatment, or any survey, analysis, or evaluation without the prior written
43 consent of the student's parent or legal guardian, in which the purpose or evident intended
44 effect is to cause the student to reveal information, whether the information is personally
45 identifiable or not, concerning the student's or any family member's:

- 46 (a) political affiliations or, except as provided under Section [53A-13-101.1](#) or rules of
- 47 the State Board of Education, political philosophies;
- 48 (b) mental or psychological problems;
- 49 (c) sexual behavior, orientation, or attitudes;
- 50 (d) illegal, anti-social, self-incriminating, or demeaning behavior;
- 51 (e) critical appraisals of individuals with whom the student or family member has close
- 52 family relationships;
- 53 (f) religious affiliations or beliefs;
- 54 (g) legally recognized privileged and analogous relationships, such as those with
- 55 lawyers, medical personnel, or ministers; and
- 56 (h) income, except as required by law.

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

59 (3) Except as provided in Subsection (7), Section [53A-11a-203](#), and Section
60 [53A-15-1301](#), the prohibitions under Subsection (1) shall also apply within the curriculum and
61 other school activities unless prior written consent of the student's parent or legal guardian has
62 been obtained.

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

67 (a) records or information, including information about relationships, that may be
68 examined or requested;

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

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

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

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

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

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

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

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

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

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

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

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

96 (ii) If, however, the matter has been reported to the Division of Child and Family
 97 Services within the Department of Human Services, it is the responsibility of the division to
 98 notify the student's parent or guardian of any possible investigation, prior to the student's return
 99 home from school.

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

103 (7) (a) If a school employee ~~or~~ , ~~agent~~ , or school resource officer ~~believes a student is at-risk of attempting suicide,~~
 103a believes a student is at-risk of attempting suicide,

104 ~~physical~~ self-harming, or harming others, the school employee ~~or~~ , ~~agent~~

104a ~~agent~~ , or school resource officer ~~may intervene and ask a student~~

105 questions regarding the student's suicidal thoughts, ~~physically~~ self-harming behavior, or
 105a thoughts of

106 harming others for the purposes of:

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

108 (ii) informing the student's parent ~~or legal guardian~~ .

109 (b) On or before September 1, 2014, a school district or charter school shall develop
 110 and adopt a policy regarding ~~school employee~~ ~~intervention measures consistent with~~
 111 Subsection (7)(a) ~~while requiring the minimum degree of intervention to accomplish the~~
 111a goals of this section .

112 [(7)] (8) Local school boards and charter school governing boards shall provide
 113 inservice for teachers and administrators [within their respective school districts] on the
 114 implementation of this section.

115 [(8)] (9) The board shall provide procedures for disciplinary action for violations of
 116 this section.

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

118 **53A-15-1301. Youth suicide prevention programs required in secondary schools**
 119 **-- State Board of Education to develop model programs -- Reporting requirements.**

120 (1) As used in the section:

- 121 (a) "Board" means the State Board of Education.
- 122 (b) "Intervention" means an effort to prevent a student from attempting suicide.
- 123 (c) "Postvention" means mental health intervention after a suicide attempt or death to
124 prevent or contain contagion.

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

126 (e) "Secondary grades":

127 (i) means grades 7 through 12; and

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

129 (f) "State Office of Education suicide prevention coordinator" means a person
130 designated by the board as described in Subsection (3).

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

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

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

138 (i) prevention of youth suicides;

139 (ii) youth suicide intervention; and

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

141 (3) The board shall:

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

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

145 (i) program training; and

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

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

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

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

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

154 ~~[(5)]~~ (6) Subject to legislative appropriation, the board may distribute money to a
155 school district or charter school to be used to implement a program in the school district or
156 charter school.

157 ~~[(6)]~~ (7) (a) The board shall report to the Legislature's Education Interim Committee,
158 by the November 2014 meeting, jointly with the state suicide prevention coordinator, on:

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

160 (ii) the board's coordination efforts with the Department of Health and the state suicide
161 prevention coordinator.

162 (b) School districts and charter schools shall provide to the board information that is
163 necessary for the board's report to the Legislature's Education Interim Committee as required in
164 Subsection ~~[(6)]~~ (7)(a).

Legislative Review Note
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Office of Legislative Research and General Counsel