

## SUICIDE PREVENTION IN SCHOOLS: Legal Considerations and Liability

- Youth suicide is a serious problem. Suicide is the second leading cause of injury related deaths among youth aged 10 to 18 in Idaho. The leading cause of death is unintentional injury.
- School personnel spend more time with our youth than any other professionals. Often more time than parents.
- School districts have been found liable for not offering suicide prevention programs, for providing inadequate supervision of at-risk students, and for failing to notify parents when their children were suicidal
- Schools must demonstrate they made appropriate, "good faith" efforts to prevent suicide from occurring
- In order to protect students, school personnel must be trained in identifying at-risk students and making proper interventions.
- The tragedy of suicide is beyond measure, and evidence based prevention and intervention efforts are effective.

### Idaho Statutes

TITLE 33  
EDUCATION  
CHAPTER 5  
DISTRICT TRUSTEES

33-512. Governance of schools. The board of trustees of each school district shall have the following powers and duties:

- (4) To protect the morals and health of the pupils;

TITLE 33  
EDUCATION  
CHAPTER 5  
DISTRICT TRUSTEES

33-512B. Suicidal tendencies -- Duty to warn.

- (1) Notwithstanding the provisions of section 33-512(4), Idaho Code, neither a teacher nor a school district shall have a **duty to warn** of the suicidal tendencies of a student absent the teacher's knowledge of direct evidence of such suicidal tendencies.
- (2) **"Direct evidence"** means evidence which directly proves a fact without inference and which in itself, if true, conclusively establishes that fact. Direct evidence would include unequivocal and unambiguous oral or written statements by a student which would not cause a reasonable teacher to speculate regarding the existence of the fact in question; it would not include equivocal or ambiguous oral or written statements by a student which would cause a reasonable teacher to speculate regarding the existence of the fact in question.
- (3) The existence of the teacher's knowledge of the direct evidence referred to in subsections (1) and (2) of this section shall be determined by the court as a matter of law.

### Administrative Rules

#### IDAPA 08.02.03.160 – SAFE ENVIRONMENT AND DISCIPLINE

- Each school district will have a comprehensive district wide policy and procedure encompassing the following:
  - School Climate
  - Discipline
  - Student Health
  - Violence Prevention
  - Gun-free Schools
  - Substance Abuse - Tobacco, Alcohol, and Other Drugs
  - **Suicide Prevention**
  - Student Harassment
  - Drug-free School Zones
  - Building Safety including Evacuation Drills
- Districts will conduct an annual review of these policies and procedures.

### Idaho Health Content Standards

#### **Mental, Emotional & Social Health Grade 6-8**

- Mental, emotional and social wellbeing is a foundation for building good health and includes a sense of security, identity, belonging, purpose and competence in order to strive toward a healthy and productive life. Knowledge and skills may include emotional intelligence, suicide prevention, stress management, communication skills, conflict resolution, and mental illness.

#### **Mental, Emotional & Social Health Grade 9-12**

- Mental, emotional and social well-being are foundations for building good health. These foundations include a sense of security, identity, belonging, purpose and competence in order to strive toward a healthy and productive life. Knowledge and skills may include emotional intelligence, suicide prevention, stress management, communication skills, conflict resolution, and mental illness.
- 9-12.H.4.1.3 Demonstrate strategies to prevent, manage, or resolve interpersonal conflicts without harming self or others.

### Idaho Case Law

In *Brooks v. Logan*, 127 Idaho 44, 903 P.2d 73 (1995) (Brooks I), the Idaho Supreme Court held that a teacher and a school district owe a **duty to warn** or otherwise take action when confronted with ambiguous, circumstantial evidence of a student's suicidal tendency.

In response to this broad recognized duty, the Idaho legislature enacted I.C. § 33-512B to limit the duty of school employees to situations when there is a known suicidal tendency.

### Idaho Summary

- Who do you warn?
  - The statute is not clear regarding who
  - Parents, law enforcement, ...?
  - Clearly the parents are the logical recipient of this warning. However, there may be situations where it is the parental involvement that is causing emotional disturbances with the child. At that point, it is likely a report to Health & Welfare would be sufficient in meeting the demands of this statute.
- Content of assignments/notes/etc...
  - **If there is content related to suicide, then liability is in question**
  - **If content of curriculum is not up to standards then liability is in question**
- Threats of suicide should be taken seriously, no matter the history
- District policies should state that students may be seen by a mental health professional without parental notice or consent to determine suicidal intent/lethality
- During any suicide plan response, all actions and information should be documented in the tracking system
- Schools/districts should create crises response and support teams and adequately train all members on an ongoing basis
- Youth suicide is a serious problem in our country. Suicide is the second leading cause of injury related deaths among youth aged 10 to 18 in Idaho. The leading cause of death is unintentional injury.

### Best Practice – Risk Management

- School district should have a comprehensive safe school plan that addresses violence prevention, intervention, and postvention
- Plan should outline philosophical position as well as staff responsibilities
- Plan should be developed by a school and community team
- Plan should take into account resources available to the district and be consistent with federal, state, and local laws
- School rules and regulations should be clearly stated and publicized
- School rules and regulations should be implemented in ways that are respectful of the rights and dignity of individual students
- School rules and regulations must be enforced in a fair and nondiscriminatory manner
- District should establish a reporting and tracking system and implement practices to encourage staff and students to report incidents and concerns
- District should provide adequate orientation staff and students regarding suicide prevention program and policies
- District should provide ongoing training for staff and students to support suicide prevention program (e.g., recognition of signs and symptoms of suicidal ideation)
- Specific written plans need to be in place for school personnel to follow if they suspect a student is potentially suicidal (e.g., Student suspected of suicidal ideation should be seen immediately by a mental health professional with training in the assessment of suicide)
- School personnel spend more time with our youth than any other professionals. Often more time than parents.
- School districts have been found liable for not offering suicide prevention programs, for providing inadequate supervision of at-risk students, and for failing to notify parents when their children were suicidal
- Schools must demonstrate they made appropriate, “good faith” efforts to prevent suicide from occurring
- In order to protect students, school personnel must be trained in identifying at-risk students and making proper interventions.
- The tragedy of suicide is beyond measure, and evidence based prevention and intervention efforts are effective.

Information courtesy of John Landers, PhD, Chief of Psychology, EIRMC Behavioral Health Center 10/2009, and the State Department of Education.