

**YOUTH SUICIDE PREVENTION REVISIONS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Luz Robles**

House Sponsor: Gage Froerer

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**LONG TITLE**

**General Description:**

This bill amends provisions related to parental notification of certain safety threats to a parent's student.

**Highlighted Provisions:**

This bill:

- ▶ requires a school to notify a parent:
  - if the parent's student threatens to commit suicide; or
  - of an alleged incident of bullying, cyber-bullying, harassment, hazing, or retaliation involving the parent's student; and
- ▶ requires a school to have a parent sign a statement acknowledging that the parent was notified of the suicide threat or bullying.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53A-11-605**, as last amended by Laws of Utah 2012, Chapter 425

**53A-13-302**, as last amended by Laws of Utah 1999, Chapter 284

ENACTS:



28 53A-13-303, Utah Code Annotated 1953



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

31 Section 1. Section 53A-11-605 is amended to read:

32 **53A-11-605. Definitions -- School personnel -- Medical recommendations --**  
33 **Exceptions -- Penalties.**

34 (1) As used in this section:

35 (a) "Health care professional" means a physician, physician assistant, nurse, dentist, or  
36 mental health therapist.

37 (b) "School personnel" means ~~any~~ a school district or charter school employee,  
38 including a licensed, part-time, contract, ~~and~~ or nonlicensed ~~employees~~ employee.

39 (2) School personnel may:

40 (a) provide information and observations to a student's parent or guardian about that  
41 student, including observations and concerns in the following areas:

42 (i) progress;

43 (ii) health and wellness;

44 (iii) social interactions;

45 (iv) behavior; or

46 (v) topics consistent with Subsection 53A-13-302(6);

47 (b) communicate information and observations between school personnel regarding a  
48 child;

49 (c) refer students to other appropriate school personnel and agents, consistent with  
50 local school board or charter school policy, including referrals and communication with a  
51 school counselor or other mental health professionals working within the school system;

52 (d) consult or use appropriate health care professionals in the event of an emergency  
53 while the student is at school, consistent with the student emergency information provided at  
54 student enrollment;

55 (e) exercise their authority relating to the placement within the school or readmission  
56 of a child who may be or has been suspended or expelled for a violation of Section  
57 53A-11-904; and

58 (f) complete a behavioral health evaluation form if requested by a student's parent or

59 guardian to provide information to a licensed physician.

60 (3) School personnel shall:

61 (a) report suspected child abuse consistent with Section 62A-4a-403;

62 (b) comply with applicable state and local health department laws, rules, and policies;

63 and

64 (c) conduct evaluations and assessments consistent with the Individuals with  
65 Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent amendments.

66 (4) Except as provided in Subsection (2) [~~and~~], Subsection (6), and Section  
67 53A-13-303, school personnel may not:

68 (a) recommend to a parent or guardian that a child take or continue to take a  
69 psychotropic medication;

70 (b) require that a student take or continue to take a psychotropic medication as a  
71 condition for attending school;

72 (c) recommend that a parent or guardian seek or use a type of psychiatric or  
73 psychological treatment for a child;

74 (d) conduct a psychiatric or behavioral health evaluation or mental health screening,  
75 test, evaluation, or assessment of a child, except where this Subsection (4)(d) conflicts with the  
76 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent  
77 amendments; or

78 (e) make a child abuse or neglect report to authorities, including the Division of Child  
79 and Family Services, solely or primarily on the basis that a parent or guardian refuses to  
80 consent to:

81 (i) a psychiatric, psychological, or behavioral treatment for a child, including the  
82 administration of a psychotropic medication to a child; or

83 (ii) a psychiatric or behavioral health evaluation of a child.

84 (5) Notwithstanding Subsection (4)(e), school personnel may make a report that would  
85 otherwise be prohibited under Subsection (4)(e) if failure to take the action described under  
86 Subsection (4)(e) would present a serious, imminent risk to the child's safety or the safety of  
87 others.

88 (6) Notwithstanding Subsection (4), a school counselor or other mental health  
89 professional acting in accordance with Title 58, Chapter 60, Mental Health Professional

90 Practice Act, or licensed through the State Board of Education, working within the school  
91 system may:

92 (a) recommend, but not require, a psychiatric or behavioral health evaluation of a child;

93 (b) recommend, but not require, psychiatric, psychological, or behavioral treatment for  
94 a child;

95 (c) conduct a psychiatric or behavioral health evaluation or mental health screening,  
96 test, evaluation, or assessment of a child in accordance with Section 53A-13-302; and

97 (d) provide to a parent or guardian, upon the specific request of the parent or guardian,  
98 a list of three or more health care professionals or providers, including licensed physicians,  
99 psychologists, or other health specialists.

100 (7) Local school boards or charter schools shall adopt a policy:

101 (a) providing for training of appropriate school personnel on the provisions of this  
102 section; and

103 (b) indicating that an intentional violation of this section is cause for disciplinary action  
104 consistent with local school board or charter school policy and under Section 53A-8a-502.

105 (8) Nothing in this section shall be interpreted as discouraging general communication  
106 not prohibited by this section between school personnel and a student's parent or guardian.

107 Section 2. Section **53A-13-302** is amended to read:

108 **53A-13-302. Activities prohibited without prior written consent -- Validity of**  
109 **consent -- Qualifications -- Training on implementation.**

110 (1) Policies adopted by a school district under Section 53A-13-301 shall include  
111 prohibitions on the administration to a student of any psychological or psychiatric examination,  
112 test, or treatment, or any survey, analysis, or evaluation without the prior written consent of the  
113 student's parent or legal guardian, in which the purpose or evident intended effect is to cause  
114 the student to reveal information, whether the information is personally identifiable or not,  
115 concerning the student's or any family member's:

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

118 (b) mental or psychological problems;

119 (c) sexual behavior, orientation, or attitudes;

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

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

123 (f) religious affiliations or beliefs;

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

126 (h) income, except as required by law.

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

129 (3) [~~The~~] Except as provided in Section 53A-13-303, the prohibitions under Subsection  
130 (1) shall also apply within the curriculum and other school activities unless prior written  
131 consent of the student's parent or legal guardian has been obtained.

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

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

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

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

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

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

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

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

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

151 (c) Unless otherwise agreed to by a student's parent or legal guardian and the person

152 requesting written consent, the authorization is valid only for the activity for which it was  
153 granted.

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

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

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

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

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

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

172 (7) Local school boards shall provide inservice for teachers and administrators within  
173 their respective school districts on the implementation of this section.

174 (8) The board shall provide procedures for disciplinary action for violations of this  
175 section.

176 Section 3. Section **53A-13-303** is enacted to read:

177 **53A-13-303. Parental notification of certain incidents required.**

178 (1) For purposes of this section:

179 (a) "Bullying" has the same meaning as defined in Section 53A-11a-102.

180 (b) "Cyber-bullying" has the same meaning as defined in Section 53A-11a-102.

181 (c) "Harassment" has the same meaning as defined in Section 53A-11a-102.

182 (d) "Hazing" has the same meaning as defined in Section 53A-11a-102.

- 183           (e) "Parent" includes a student's legal guardian.  
184           (f) "Retaliation" has the same meaning as defined in Section 53A-11a-102.  
185           (2) A school shall notify a parent:  
186           (a) if the parent's student threatens to commit suicide; or  
187           (b) of an alleged incident of bullying, cyber-bullying, harassment, hazing, or retaliation  
188 involving the parent's student.  
189           (3) If a school notifies a parent of an incident or threat required to be reported under  
190 Subsection (2), the school shall require the parent to sign a statement acknowledging that the  
191 parent was notified of the incident or threat.  
192           (4) The school shall maintain a copy of a parental statement described in Subsection  
193 (3) for at least four years.  
194           (5) At the request of a parent, a school may provide information and make  
195 recommendations related to an incident or threat described in Subsection (2).

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**Legislative Review Note**  
**as of 2-12-13 8:45 AM**

**Office of Legislative Research and General Counsel**