

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H

D

HOUSE BILL 434
PROPOSED COMMITTEE SUBSTITUTE H434-PCS40265-BN-6

Short Title: Suicide Risk Ref./Mental Health/Teen Violence.

(Public)

Sponsors:

Referred to:

March 25, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION, CHARTER SCHOOLS,
3 REGIONAL SCHOOLS, INNOVATIVE SCHOOLS, LABORATORY SCHOOLS, AND
4 THE RENEWAL SCHOOL SYSTEM TO ADOPT AND IMPLEMENT A SUICIDE RISK
5 REFERRAL PROTOCOL, A MENTAL HEALTH TRAINING PROGRAM, AND A
6 POLICY AGAINST TEEN DATING VIOLENCE AND ABUSE.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.(a)** G.S. 115C-47 is amended by adding a new subdivision to read:

9 "(64) To adopt a suicide risk referral protocol and a mental health training program.
10 – Each local board of education shall adopt and implement a suicide risk
11 referral protocol and a mental health training program for school personnel
12 who work directly with students in grades kindergarten through 12, as
13 required by G.S. 115C-375.11."

14 **SECTION 1.(b)** G.S. 115C-218.75 is amended by adding a new subsection to read:

15 "(g) Suicide Risk Referral Protocol and Mental Health Training Program. – A charter
16 school shall adopt and implement a suicide risk referral protocol and a mental health training
17 program in accordance with G.S. 115C-375.11."

18 **SECTION 1.(c)** G.S. 115C-238.66 is amended by adding a new subdivision to read:

19 "(14) Suicide risk referral protocol and mental health training program. – The board
20 of directors shall adopt and implement a suicide risk referral protocol and a
21 mental health training program in accordance with G.S. 115C-375.11."

22 **SECTION 1.(d)** G.S. 116-239.8(b) is amended by adding a new subdivision to read:

23 "(17) Suicide risk referral protocol and mental health training program. – The
24 chancellor shall adopt and ensure implementation of a suicide risk referral
25 protocol and a mental health training program in accordance with
26 G.S. 115C-375.11."

27 **SECTION 1.(e)** Section 6(d)(2) of S.L. 2018-32 is amended by adding a new
28 sub-subdivision to read:

29 "p. (64) [To Adopt a Suicide Risk Referral Protocol and a Mental Health
30 Training Program.]"

31 **SECTION 1.(f)** The title of Article 25A of Chapter 115C of the General Statutes
32 reads as rewritten:

33 "Article 25A.

34 "Special Medical Needs and Mental Health Needs of Students."

35 **SECTION 1.(g)** Article 25A of Chapter 115C of the General Statutes is amended by
36 adding a new section to read:



* H 4 3 4 - P C S 4 0 2 6 5 - B N - 6 *

1 "§ 115C-375.11. Suicide risk referral protocol and mental health training program
2 required.

3 (a) Each local board of education shall adopt and implement a suicide risk referral
4 protocol for school personnel who work directly with students in grades kindergarten through
5 12. The protocol shall, at a minimum, do all of the following:

6 (1) Inform school personnel of suicide risk referral procedures, including the
7 provision of training.

8 (2) Establish crisis teams.

9 (3) Inform school personnel on how to identify and intervene in appropriate
10 situations.

11 (b) Each local board of education shall adopt and implement a mental health training
12 program for school personnel who work directly with students in grades kindergarten through
13 12. The mental health training program adopted by a local board of education shall address the
14 following topics:

15 (1) Youth mental health.

16 (2) Suicide prevention.

17 (3) Substance abuse.

18 (4) Sexual abuse prevention.

19 (5) Sex trafficking prevention.

20 (c) Local boards of education shall periodically review and update their adopted suicide
21 risk referral protocols and mental health training programs, as necessary.

22 (d) Nothing in this section shall be construed to impose an additional duty on any entity
23 required to adopt a policy by G.S. 115C-47(64), 115C-218.75(g), 115C-238.66(14), or
24 116-239.8(b)(17), or its employees, to provide referrals, suicide prevention measures, or mental
25 health services to students of the unit.

26 (e) No entity required to adopt a policy by G.S. 115C-47(64), 115C-218.75(g),
27 115C-238.66(14), or 116-239.8(b)(17), or its members, employees, designees, agents, or
28 volunteers, shall be liable in civil damages to any party for any loss or damage caused by any act
29 or omission relating to the provision of, participation in, or implementation of any component of
30 a suicide risk referral protocol or mental health training program required by this section, unless
31 that act or omission amounts to gross negligence, wanton conduct, or intentional wrongdoing.
32 Nothing in this section shall be construed to impose any specific duty of care or standard of care
33 on an entity required to adopt a policy by G.S. 115C-47(64), 115C-218.75(g), 115C-238.66(14),
34 or 116-239.8(b)(17)."

35 **SECTION 1.(h)** This section is effective when it becomes law. Each entity required
36 by Section 1.(a), (b), (c), (d), and (e) to adopt and implement a suicide risk referral protocol and
37 mental health training program shall do so by July 1, 2020. The suicide risk referral protocols
38 and mental health training programs adopted by each entity shall meet the requirements
39 developed by the Superintendent's Working Group on Health and Well Being pursuant to Section
40 5 of S.L. 2018-32. The Superintendent of Public Instruction shall ensure that a copy of these
41 requirements is made available to each entity by October 15, 2019.

42 **SECTION 2.(a)** G.S. 115C-47 is amended by adding a new subdivision to read:

43 "(65) To Adopt a Policy Against Teen Dating Violence. – Each local board of
44 education shall adopt and implement a dating violence and abuse policy. The
45 policy shall do all of the following:

46 a. Define dating violence and abuse.

47 b. Prohibit dating violence and abuse by any student on school property,
48 including during a school-sponsored activity or during
49 school-sponsored transportation.

- 1 c. Provide procedures for responding to such incidents of dating violence
2 or abuse, including accommodations for students experiencing dating
3 violence or abuse.
4 d. Be implemented in a manner that is integrated with the discipline
5 policies of the school."

6 **SECTION 2.(b)** G.S. 115C-81.30(a) is amended by adding a new subdivision to

7 read:

8 "(14) Teach about dating violence and abuse, as defined in the local board policy
9 adopted under G.S. 115C-47(65)."

10 **SECTION 2.(c)** G.S. 115C-218.75 is amended by adding a new subsection to read:

11 "(h) Policy Against Teen Dating Violence. – A charter school shall adopt and implement
12 a dating violence and abuse policy. The policy shall do all of the following:

- 13 (1) Define dating violence and abuse.
14 (2) Prohibit dating violence and abuse by any student on school property,
15 including during a school-sponsored activity or during school-sponsored
16 transportation.
17 (3) Provide procedures for responding to such incidents of dating violence or
18 abuse, including accommodations for students experiencing dating violence
19 or abuse.
20 (4) Be implemented in a manner that is integrated with the discipline policies of
21 the school."

22 **SECTION 2.(d)** G.S. 115C-218.85(a) is amended by adding a new subdivision to

23 read:

24 "(5) The school shall teach about dating violence and abuse, as defined in the
25 policy adopted under G.S. 115C-218.75(h). If the school has a reproductive
26 health and safety education program, instruction on dating violence and abuse
27 shall be incorporated into the program."

28 **SECTION 2.(e)** G.S. 115C-238.66 is amended by adding a new subdivision to read:

29 "(15) Policy against teen dating violence. – The board of directors shall adopt and
30 implement a dating violence and abuse policy. The policy shall do all of the
31 following:

- 32 a. Define dating violence and abuse.
33 b. Prohibit dating violence and abuse by any student on school property,
34 including during a school-sponsored activity or during
35 school-sponsored transportation.
36 c. Provide procedures for responding to such incidents of dating violence
37 or abuse, including accommodations for students experiencing dating
38 violence or abuse.
39 d. Be implemented in a manner that is integrated with the discipline
40 policies of the school."

41 **SECTION 2.(f)** G.S. 115C-238.66(1) is amended by adding a new sub-subdivision

42 to read:

- 43 "e. The board of directors shall ensure that instruction on dating violence
44 and abuse is provided, as defined in the policy adopted under
45 G.S. 115C-238.66(15). If the school has a reproductive health and
46 safety education program, instruction on dating violence and abuse
47 shall be incorporated into the program."

48 **SECTION 2.(g)** G.S. 116-239.8(b) is amended by adding a new subdivision to read:

49 "(18) Policy against teen dating violence. – The chancellor shall adopt and ensure
50 implementation of a dating violence and abuse policy. The policy shall do all
51 of the following:

- 1 a. Define dating violence and abuse.
- 2 b. Prohibit dating violence and abuse by any student on school property,
3 including during a school-sponsored activity or during
4 school-sponsored transportation.
- 5 c. Provide procedures for responding to such incidents of dating violence
6 or abuse, including accommodations for students experiencing dating
7 violence or abuse.
- 8 d. Be implemented in a manner that is integrated with the discipline
9 policies of the school."

10 **SECTION 2.(h)** G.S. 116-239.8(b)(2) is amended by adding a new sub-subdivision
11 to read:

- 12 "d. The board of directors shall ensure that instruction on dating violence
13 and abuse is provided, as defined in the policy adopted under
14 G.S. 115C-239.8(b)(18). If the school has a reproductive health and
15 safety education program, instruction on dating violence and abuse
16 shall be incorporated into the program."

17 **SECTION 2.(i)** Section 6(d)(2) of S.L. 2018-32 is amended by adding a new
18 sub-subdivision to read:

- 19 "q. (65) [To Adopt a Policy Against Teen Dating Violence.]"

20 **SECTION 2.(j)** This section is effective when it becomes law. Each entity required
21 by Section 2.(a), (c), (e), (g), and (i) to adopt and implement a policy against teen dating violence
22 shall do so by July 1, 2020. Each entity required by Section 2.(b), (d), (f), and (h) to provide
23 instruction on dating violence and abuse shall do so beginning with the 2020-2021 school year.

24 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
25 law.