

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H

D

HOUSE BILL 434
Committee Substitute Favorable 4/3/19
PROPOSED COMMITTEE SUBSTITUTE H434-PCS30377-BN-11

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)** The title of Article 25A of Chapter 115C of the General Statutes
28 reads as rewritten:

29 "Article 25A.

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

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

33 "§ 115C-375.11. Suicide risk referral protocol and mental health training program
34 required.



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

- 4 (1) Inform school personnel of suicide risk referral procedures, including the
5 provision of training.
- 6 (2) Establish crisis teams.
- 7 (3) Inform school personnel on how to identify and intervene in appropriate
8 situations.

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

- 13 (1) Youth mental health.
- 14 (2) Suicide prevention.
- 15 (3) Substance abuse.
- 16 (4) Sexual abuse prevention.
- 17 (5) Sex trafficking prevention.

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

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

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

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

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

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

- 45 a. Define dating violence and abuse.
- 46 b. Prohibit dating violence and abuse by any student on school property,
47 including during a school-sponsored activity or during
48 school-sponsored transportation.
- 49 c. Provide procedures for responding to such incidents of dating violence
50 or abuse, including accommodations for students experiencing dating
51 violence or abuse.

1 d. Be implemented in a manner that is integrated with the discipline
2 policies of the school."

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

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

7 **SECTION 2.(c)** G.S. 115C-218.75 is amended by adding a new subsection to read:
8 "(h) Policy Against Teen Dating Violence. – A charter school shall adopt and implement
9 a dating violence and abuse policy. The policy shall do all of the following:

10 (1) Define dating violence and abuse.

11 (2) Prohibit dating violence and abuse by any student on school property,
12 including during a school-sponsored activity or during school-sponsored
13 transportation.

14 (3) Provide procedures for responding to such incidents of dating violence or
15 abuse, including accommodations for students experiencing dating violence
16 or abuse.

17 (4) Be implemented in a manner that is integrated with the discipline policies of
18 the school."

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

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

25 **SECTION 2.(e)** G.S. 115C-238.66 is amended by adding a new subdivision to read:
26 "(15) Policy against teen dating violence. – The board of directors shall adopt and
27 implement a dating violence and abuse policy. The policy shall do all of the
28 following:

29 a. Define dating violence and abuse.

30 b. Prohibit dating violence and abuse by any student on school property,
31 including during a school-sponsored activity or during
32 school-sponsored transportation.

33 c. Provide procedures for responding to such incidents of dating violence
34 or abuse, including accommodations for students experiencing dating
35 violence or abuse.

36 d. Be implemented in a manner that is integrated with the discipline
37 policies of the school."

38 **SECTION 2.(f)** G.S. 115C-238.66(1) is amended by adding a new sub-subdivision
39 to read:

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

45 **SECTION 2.(g)** G.S. 116-239.8(b) is amended by adding a new subdivision to read:
46 "(18) Policy against teen dating violence. – The chancellor shall adopt and ensure
47 implementation of a dating violence and abuse policy. The policy shall do all
48 of the following:

49 a. Define dating violence and abuse.

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

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

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

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

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