



SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

*A Joint Powers Authority
serving school and
college districts
throughout the state.*

5350 Skylane Boulevard
Santa Rosa, CA 95403

Tel: (707) 524-2690
Fax: (707) 578-0517
santarosa@sclscal.org
www.sclscal.org

General Counsel
Carl D. Corbin

Attorneys
Monica D. Batanero
Nancy L. Klein
Damara L. Moore
Jennifer E. Nix
Steven P. Reiner
Mia N. Robertshaw
Loren W. Soukup
Patrick C. Wilson
Frank Zotter, Jr.

Of Counsel
Robert J. Henry
Margaret M. Merchat
Virginia A. Riegel

LEGAL UPDATE

December 14, 2016

To: Superintendents, Member School Districts (K-12)
From: Jennifer E. Nix *JEN*
Assistant General Counsel
Subject: Schools Serving Grades Seven Through Twelve Required to Adopt
Suicide Prevention Policies
Memo No. 43-2016

On September 26, 2016, Governor Jerry Brown signed Assembly Bill (“AB”) 2246 into law. AB 2246 requires the governing board of any Local Educational Agency (“LEA”) that serves pupils in grades 7 through 12¹ to adopt a pupil suicide prevention policy that specifically addresses the needs of high-risk groups.² Local educational agencies (“LEAs”) must have adopted their pupil suicide prevention policies by the commencement of the 2017-2018 school year, so prior to July 1, 2017. LEAs that already have pupil suicide prevention policies should review their policies and revise them as needed to comply with AB 2246’s requirements. Accordingly, LEAs should plan to adopt and/or revise their pupil suicide prevention policies no later than their last regularly scheduled governing board meeting of the 2016-2017 school year.³ Because the requirements of AB 2246 are time consuming, we encourage LEAs to begin the process of drafting or revising their pupil suicide prevention policies soon.

Education Code section 215, added by AB 2246, lists the requirements that LEAs must follow in developing their pupil suicide prevention policies, which are:

- Include in the policy procedures related to suicide prevention, intervention, and postvention;

¹ This includes school districts, county offices of education, state special schools, and charter schools. Education Code § 215.

² Elementary school districts that do not serve students in grades 7 through 12 are not required to adopt suicide prevention policies. In a webinar on suicide prevention hosted by the California Department of Education (“CDE”) on November 29, 2016, it was shared that students as young as those enrolled in transitional kindergarten can contemplate suicide, and recommended that elementary schools also consider adopting pupil suicide prevention policies.

³ AB 2246 specifies the policy must be adopted at a regular meeting, not a special meeting. Education Code § 215.



- Develop the policy “in consultation with” school and community stakeholders, school-employed mental health providers, and suicide prevention experts;
- Specifically address the needs of “high-risk groups,” which are defined in the statute;
- Address training on suicide awareness and prevention to be provided to teachers of students in grades 7 through 12⁴; and
- Write the policy to ensure that it does not require a school employee to act outside of his/her authorization and scope of credential and license.

There are many resources available to LEAs to assist with drafting their pupil suicide prevention policies. Education Code section 215 requires that the CDE develop and maintain a model policy to “serve as a guide” for LEAs. As of the writing of this Legal Update, the CDE did not have an anticipated release date for its model policy and AB 2246 did not set a deadline for the CDE to draft that policy. However, the CDE does have numerous resources on suicide prevention on its website, <http://www.cde.ca.gov/ls/cg/mh/suicideprevres.asp>. Additionally, AB 2246 specifically refers to a model policy on suicide prevention created in consultation with suicide prevention experts and other stakeholders, that is available through the Trevor Project for adoption or adaptation by LEAs. This model policy is extensive, and would likely need to be significantly altered prior to adoption by an LEA’s governing board. The California School Boards Association has developed a model policy as well (Board Policy/Administrative Regulation 5141.52), which may be used as resource. We caution that this policy, in its current form, does not meet the new requirements in Education Code section 215. We also caution against wholesale adoption of any of these policies, as AB 2246 requires consultation with numerous local stakeholders prior to adoption or revision of the LEA’s pupil suicide prevention policy.

Finally, please remember that the Commission on State Mandates will make decisions on a case-by-case basis regarding reimbursement of costs related to adoption (reasonable costs) or revision (incremental reimbursement) of these policies.

Please contact our office with questions regarding this Legal Update or any other legal matter.

The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.

© 2016 School and College Legal Services of California

All rights reserved. However, SCLS grants permission to any current SCLS client to use, reproduce, and distribute this Legal Update in its entirety for the client’s own non-commercial purposes.

⁴ The law does not require such training. However, by including this provision (and directives on what training materials should contain) within Education Code section 215, it is implied that schools should conduct such training. There is no funding allocated for such training, and it was suggested during the November 29, 2016, CDE Webinar that LEAs use their wellness budget to provide such training.