

The Intersection of Suicide Prevention Laws, Ethics, and Court Cases

Andréa Donegan, School Counseling Consultant
Suicide Prevention Lead
Student Services, Prevention and Wellness Team



WISCONSIN DEPARTMENT OF
Public Instruction
Jill K. Underly, PhD, State Superintendent

Who is Holding this Space ?

Participant Introduction

Who is holding this space today?



We are so glad you are here!



CANYON FOG'S WINDOW

WindowSwap

NORTHERN CALIFORNIA, USA
16:00, JANUARY 2025



Window Swap

Support Resources

📄 EMERGENCY RESOURCE CARD 📄

[988](#)

Call, text, or chat 988 and be connected to the National Suicide Prevention Lifeline. Trained counselors will listen, provide support, and offer resources.

Wildflower Alliance Peer Support Line - 888-407-4515

A peer support line answered by a trained peer supporter who has their own first-hand experience with psychiatric diagnosis, trauma, addiction, and/or other interrupting challenges. This line does not collect personal information, perform assessment, or call [crisis](#) or the police.

Call 911

[Emergency Resources](#)

A list of national mental health and crisis resources

"Healing takes time, and asking for help is a courageous step." – Mariska Hargitay

Learning Objectives



By the end of this session, participants will be able to:

1. Describe and access Wisconsin state statutes related to suicide prevention,
2. Learn about court cases related to student suicides,
3. Reflect, learn, and share best practices for suicide prevention, and
4. Discover resources to support suicide prevention efforts and increase knowledge of suicide prevention.

Disclaimer

This presentation is for educational purposes only and does not constitute legal, medical, or clinical advice. For legal guidance, please consult with your organization's legal counsel. For clinical concerns or emergencies, contact a qualified mental health professional or crisis service.

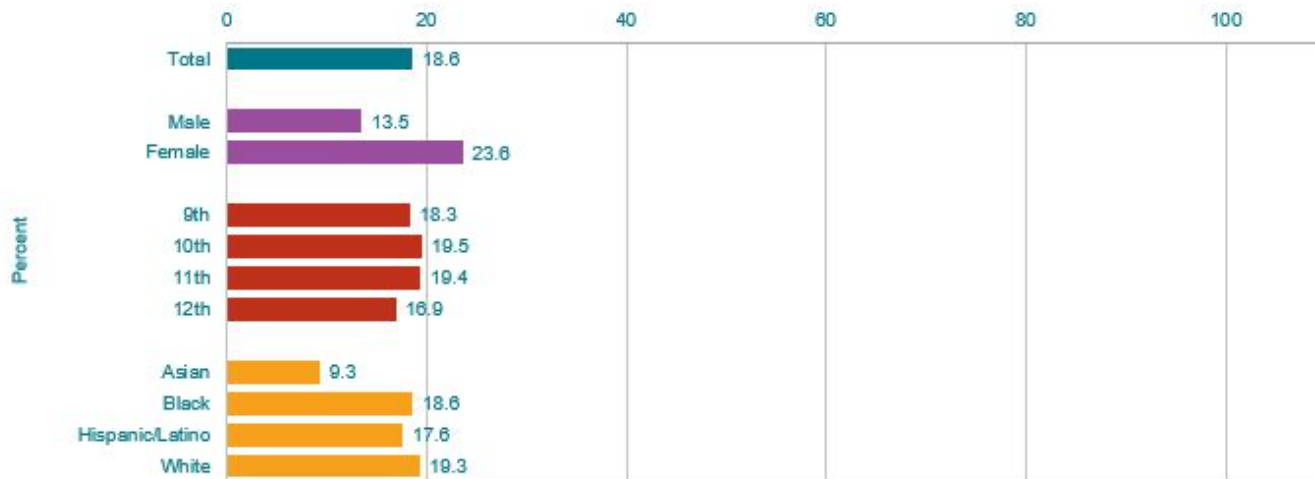
2023 YRBS Wisconsin Data

YRBS Reporting of Suicidality



YRBS 2023 Results

Percentage of High School Students Who Seriously Considered Attempting Suicide,* by Sex,[†] Grade, and Race/Ethnicity,[‡] 2023



*During the 12 months before the survey

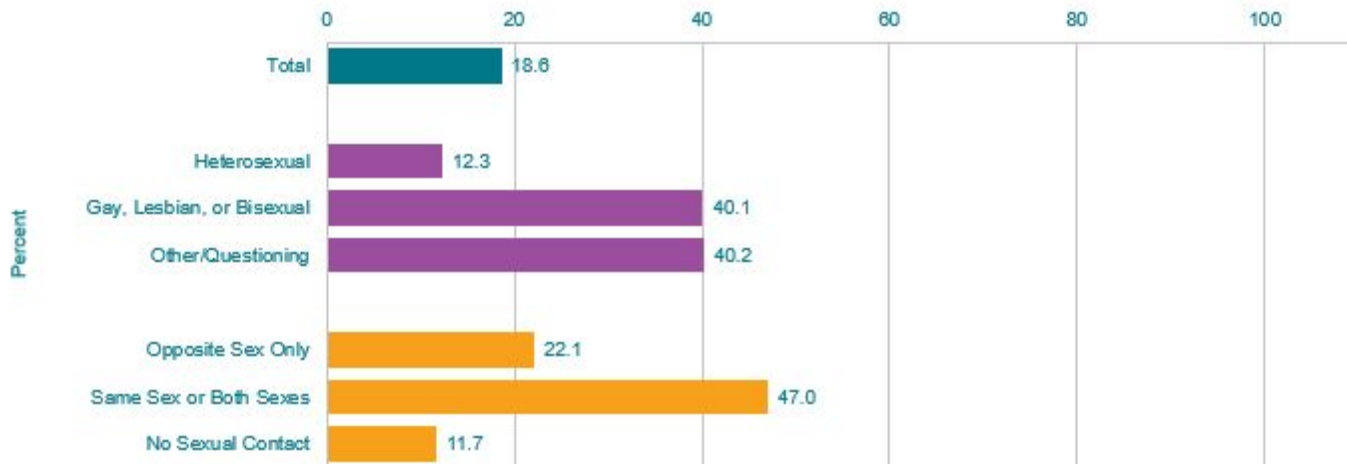
[†]F > M; W > A (Based on t-test analysis, $p < 0.05$.)

All Hispanic students are included in the Hispanic category. All other races are non-Hispanic.

This graph contains weighted results.

YRBS 2023 Results

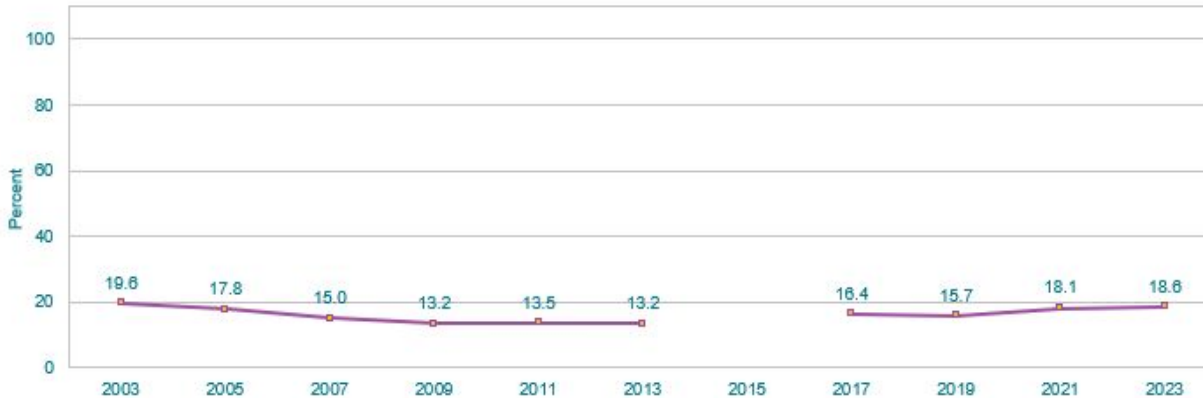
Percentage of High School Students Who Seriously Considered Attempting Suicide,* by Sexual Identity and Sex of Sexual Contacts, 2023



*During the 12 months before the survey
This graph contains weighted results.

YRBS 2023 Results

Percentage of High School Students Who Seriously Considered Attempting Suicide,* 2003-2023†



*During the 12 months before the survey

†Decreased, 2003-2009, increased, 2009-2023 [Based on linear and quadratic trend analyses using logistic regression models controlling for sex, race/ethnicity, and grade ($p < 0.05$). Significant linear trends (if present) across all available years are described first followed by linear changes in each segment of significant quadratic trends (if present).]

Data not available for 2015.

This graph contains weighted results.

- Overall rate is unchanged from 2021 but increased since 2009.
- Higher-risk groups:
 - Females
 - LGB students
 - Other/Questioning students
 - White students

Suicide Prevention Laws and Statutes

Wisconsin Statutes and Administrative Rules Related to School-Based Suicide Prevention



Suicide Prevention Instruction

Suicide prevention instruction is required in the health curriculum between 7th - 12th grade

[WI 118.33](#) High school graduation standards; criteria for promotion
118.33(1)(a)2. In grades 7 to 12, at least 0.5 credits of health education.

[PI 8.01\(2\)\(j\)1](#) Health curriculum

Health instruction shall be provided in accordance with a written comprehensive health education curriculum which includes the curricular areas defined in ss. 115.35 and 118.01.



Suicide Prevention Instruction Requirements

WI 118.01 Educational goals and expectations

7. The skills needed to make sound decisions, knowledge of the conditions which may cause and the signs of suicidal tendencies, knowledge of the relationship between youth suicide and the use of alcohol and controlled substances under ch. 961 and knowledge of the available community youth suicide prevention and intervention services.

Instruction shall be designed to help prevent suicides by pupils by promoting the positive emotional development of pupils.

- Risk factors
- Warning signs
- Relationship of alcohol/drugs and suicide
- Suicide prevention and intervention resources
- Positive emotional development

Suicide Prevention Instruction Requirements

115.35 Health Problems Education Program

A critical health problems education program is established in the department. The program shall be a systematic and integrated program designed to provide appropriate learning experiences based on scientific knowledge of the human organism as it functions within its environment and designed to favorably influence the health, understanding, attitudes and practices of the individual child which will enable him or her to adapt to changing health problems of our society. The program shall be designed to educate youth with regard to **critical health problems** and shall include, but not be limited to, the following topics as the basis for comprehensive education curricula in all elementary and secondary schools: controlled substances, as defined in s. 961.01 (4); controlled substance analogs, as defined in s. 961.01 (4m); alcohol; tobacco; **mental health**; sexually transmitted diseases, including acquired immunodeficiency syndrome; human growth and development; and related health and safety topics. Participation in the human growth and development topic of the curricula shall be entirely voluntary. The department may not require a school board to use a specific human growth and development curriculum.

DPI Suicide Prevention Curriculum

Suicide Prevention Curriculum

- Three Curricula levels: 3rd - 5th, 6th - 8th, 9th - 12th
- Curriculum is available in English, Spanish, Hmong, and Arabic.
- Curriculum materials include:
 - PowerPoint lesson slides
 - Parent notification letter template
 - Caregiver Companion newsletters



SUICIDE PREVENTION:
Strategies for Supporting Self-
and Collective-Care

Grades 9-12

Suicide Prevention Resource Sharing Requirement

Professional school staff must be informed of resources available on suicide prevention

115.365(3)

Each school board and the governing body of each private school annually shall inform their professional staff of the resources available from the department and other sources regarding suicide prevention.

.....

The department annually shall provide school boards and the governing bodies of private schools with a model notice, describing the suicide prevention services that it has developed and how staff may access those services, which school boards and governing bodies of private schools may use to inform their professional staff.

DPI Assistance to Schools

DPI must train school staff to intervene in youth suicide.

[WI 115.365](#) Assistance to schools for suicide prevention programs.

- Develop and conduct training programs in suicide prevention
- Provide consultation and technical assistance for the development and implementation of suicide prevention programs



DPI Training Resources

[Online Suicide Prevention Training Modules](#)

- Gatekeeper Training
- School-based Suicide Prevention: Overview and Connections
- Postvention
- Policy and Planning
- Intervention - Coming soon!

[Quick Reference Guide to Online Modules Series](#)

[DPI Suicide Prevention webpage](#)



DPI Assistance to Schools

DPI must establish a competitive grant program for supporting peer-to-peer suicide prevention programs

[2019 Act 83, Statute 115.366](#) Competitive Grants for Peer-to-Peer Programming

- **High school grades** (9, 10, 11, 12)
- **Private, public, charter, and tribal** schools in Wisconsin
- Up to **\$1,000** per school (\$250,000 made available by legislature)
- Can be renewed up to **three times**
- Following renewals, a **new application** can be submitted
- **NO matching funds** required

[DPI P2P Webpage](#)

Pupil Identification Cards

Requirement to add a National Suicide Prevention Lifeline number on pupil identification cards

This law mandates a requirement for school boards or operators of a charter school under s. 118.40(2r) or (2x) who issue identification cards to pupils.

WI [118.169](#) Pupil Identification (2) Identification Cards (a) School boards or operators of a charter school under s. 118.40(2r) or (2x) who issue identification cards to pupils shall include the telephone number for the National Suicide Prevention Lifeline or one of its affiliate crisis centers or another national network of local crisis centers that provides free and confidential emotional support 24 hours a day and 7 days a week.



[988 Website](#)

[988 Partner Toolkit](#)

[Emergency Resources](#)



Civil Liability Immunity

Immunity from civil liability for trying to intervene in youth suicide.

This law establishes immunity from civil liability for acts or omissions in trying to intervene in youth suicide. School staff cannot be sued individually for attempting to help a student who may be suicidal. The Legislature thus encourages school staff to help students who may be suicidal.

WI [118.295](#) Suicide intervention; civil liability exemption.

Any school board, private school, county children with disabilities education board or cooperative educational service agency, and any officer, employee, or volunteer thereof, who in good faith attempts to prevent suicide by a pupil is immune from civil liability for his or her acts or omissions in respect to the suicide or attempted suicide. The civil liability immunity provided in this section is in addition to and not in lieu of that provided under s. 895.48 (1).



Summary

These laws and administrative rules are clear

Schools must educate students and staff about suicide prevention and DPI must support schools in that process.

[DPI document with applicable statutes and rule.](#)



Court Cases



Court Case

Eisel v. Montgomery County Maryland (1991)

- Peer Report
- Denial of STB



Court Case

*Gallager v. Loudon County Virginia (2016)

- Unknown Peer Report
- 18 Year Old Student



Court Case

Rogers v. Christina School District Delaware (2013)

- Parent Notification
- Policies
- Staffing



The consequence of the risk in not involving parents is too great and parents must be allowed to try to intervene.

Court Case

Brooks v. Logan School District Idaho (1997)

- Student Journaling
- Staff Training



Court Case

Witsell et al v. School Board of Hillsborough County Florida (2011)

- Notification
- Consultation
- No-suicide contract



Court Case

*Boehm v. White Pass School District Washington (2013)

- Notifying Parent
- Training



Court Case

Estate of Michael Girard v. Town of Putnam, CT Conneticut (2011)

- Notification
- Policy
- **Liabile**



Themes and Issues

Parent Notification

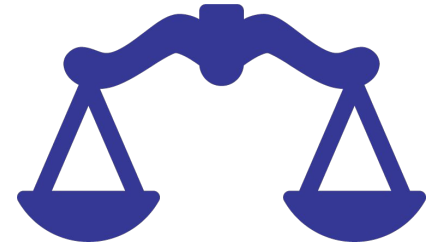
- Communication to parent - frequency, risk level, safety plan
- Denial of STB
- Peer (known and unknown) Reports
- District Policies
- Journals
- FERPA



Court Case

Kelson vs. City of Springfield Oregon (1985)

- Supervision at School



Court Case

Armijo v. Wagon Mound Public Schools New Mexico (1998)

- Releasing Student from School



Court Case

*Estate of Matthew Amory vs. Howard County Board
of Education
Maryland (2013)

- Parent/Guardian Assuming Care



Themes and Issues

Supervision

- School Site Supervision
- Releasing Student from School



Court Case

*Walgren et al v. Heun et al
Illinois (2019)

- Discipline
- Supervision



Court Case

Szostek v. Fowler, Martin, Vick, and the Cypress-Fairbanks Independent School District Texas (1995)

- Discipline



Themes and Issues

Discipline

- Disciplinary Action
- Support
- Supervision



Disciplinary Considerations

- Asking student, “Are you going to be okay?” and “Do you want to see a counselor?”
- Having SBMHP check in with student and ask/address any possible STB’s
- Check with SBMHP about any warning signs
- Include a SBMHP in the disciplinary meeting to serve as a support and resource for the student or family.
- Encourage additional supervision of student by parents given this significant emotional experience.

Court Case

Wyke v Polk School Board Florida (1989)

- Parent Notification
- Supervision
- Training
- **Liable**



Ethical Responsibilities

ASCA Position Statement - [The School Counselor and Suicide Prevention/Awareness](#)

“School counselors do not wait for certainty but rather the notion of a potential suicide places school counselors in a position to immediately notify parents/guardians (ASCA 2017). School counselors contact parents/guardians when placed on notice that a suicide is possible through **student self-report, peer report, rumors, hearsay or any other means.**”

It is a well-known fact that students will often **deny suicidal ideation to escape the gaze of adults while confiding their true intentions to their peers.**

School counselors provide parents/guardians with **referral resources for students** (Stone, 2018). In the case that the parents/guardians do not take seriously the potential threat, the school counselor makes a report to **child protective service** (Stone, 2018)

To achieve their ethical obligation to protect students, school counselors must maintain current training in:

- Being informed about signs of suicidal thoughts
- Being knowledgeable about the resources available
- Preparing students, staff, colleagues and parents to recognize warning symptoms for suicidal behavior
- Referring students who demonstrate signs of suicidal thoughts to local community agencies

Ethical Responsibilities

Ethical Codes of the Profession

- Educators
- Health and Physical Educators
 - School Counselors
 - School Social Workers
 - School psychologists



Self- care, Self-compassion

By the time you are thirsty, you are already dehydrated.



You matter



Thank You



in suicide prevention



DPI Contact Information



Andréa Donegan (she/her)
School Counseling Consultant
(608) 224-6175
andrea.donegan@dpi.wi.gov

If you would like to receive the [DPI School Counseling News!](#) , please subscribe to receive information, resources, and updates.

