

PRESENTED AT

UT CLE School Law Conference

February 9-10, 2023

Austin, Texas

Student Suicide: Mental Health and Legal Response

Ricardo “Rick” Benavides, III

Ricardo “Rick” Benavides, III
J. Cruz & Associates, LLC
Laredo, Texas

rbenavides@jca-law.com
956.717.1300

Student Suicide: Mental Health and Legal Response

Purpose

This paper will briefly discuss notable stages in a school district's postvention response process after a student suicide has occurred. Each stage in this paper will be followed by information and recommendations that all school attorneys should be aware of when advising school districts through these difficult situations.

There are a multitude of manuals and guidebooks published across the nation, many of which are cited throughout this paper, that is intended to assist school districts with responding to student tragedies and student suicide. Anyone interested in learning more about suicide prevention, intervention, and postvention should visit these resources for more information.

Response to Student Tragedy

1. Gathering Information

Time is of the essence in confirming information regarding an alleged student suicide. Though it may not always be possible to immediately determine all of the details of a student's death, confirming as much factual information as possible before communicating with the school community is important.¹

Often the campus principal or Superintendent will be the first to be advised of a rumored student suicide. However, as we know, information passed through word of mouth is commonly inaccurate and unreliable. Accordingly, it is recommended that upon hearing of a potential student suicide, a school official should contact the local medical examiner's office or law enforcement agency to obtain accurate information about the student.

It is not always feasible to obtain all the critical information regarding an alleged student suicide. However, the school must obtain confirmation of the student's identity and the cause and/or manner of death. First, problems have arisen when school officials have assumed that the victim was a student at their school, only to learn later that the victim was misidentified or attended a different school district. Confirming the identity of the individual will allow the school to verify the student's enrollment at the time of their death and avoid the issue of misidentification. Second, confirming the cause and or manner of death, while not as critical as explained below, will assist the school in deciding what type of postventions actions will be necessary and how the student tragedy will be communicated to the school community.

¹ American Foundation for Suicide Prevention, & Suicide Prevention Resource Center. (2018). *After a suicide: A toolkit for schools (2nd ed.)*. Waltham, MA: Education Development Center, <https://sprc.org/sites/default/files/resource-program/AfteraSuicideToolkitforSchools-2022Update.pdf>.

What School Attorneys Should Know

- Time and the Importance of Establishing Relationships with Community Stakeholders
 - Unfortunately, schools are not given the benefit of time when responding to a student tragedy. It is often the case that information about a student has already been spread through social media and amongst the student population minutes before school officials have even received word of the situation. Consequently, schools will often find themselves playing catch up when trying to gather information about the situation. Playing catch up with information is not a position a school wants to be for too long. In order to reduce the amount of time a school spends playing catch up, it is advantageous for a school to have access to community stakeholders, such as the fire, police, and health department, who may be able to provide immediate information.
 - Section 37.108 of the Texas Education Code requires a school district's multihazard emergency operations plan to provide coordination with local emergency management agencies, law enforcement, health departments, and fire departments. School districts should take this opportunity to discuss the sharing of information in the case of a student suicide.
- Autopsy reports are subject to disclosure under the Public Information Act
 - Section 552.022 of the Government Code provides, in relevant part: "...the following categories of information are public information and not excepted from required disclosure under this chapter unless they are expressly confidential under other law: (1) a completed report, audit, evaluation, or investigation made of, for, or by a governmental body, except as provided by Section 552.108[.]" Tex. Gov't Code § 552.022(a)(1).
 - Section 11 of article 49.25 of the Code of Criminal Procedures provides, in relevant part: "The medical examiner shall keep full and complete records properly indexed, giving the name if known of every person whose death is investigated, the place where the body was found, the date, the cause and manner of death, and shall issue a death certificate. The full report and detailed findings of the autopsy, if any, shall be a part of the record. ...The records may not be withheld, subject to a discretionary exception under Chapter 552, Government Code, except that a photograph or x-ray of a body taken during an autopsy is excepted from required public disclosure in accordance with Chapter 552, Government Code, but is subject to disclosure: (1) under a subpoena or authority of other law; or (2) if the photograph or x-ray is of the body of a person who died while in the custody of law enforcement."

2. Activate the Safe and Supportive School Team and Implement the Multihazard Emergency Operation Plan

As with any other crisis event, the school district should immediately activate their Safe and Supportive School Team to commence the postvention response. The involvement of the team should begin as early as possible, as their assistance will be

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Student Suicide: Mental Health and Legal Response

First appeared as part of the conference materials for the
38th Annual School Law Conference session

"Student Suicide: Mental Health and Legal Response"