

The Preston School District #201 recognizes its obligation to protect the health and safety of all students attending its schools. School staff is responsible for following the accompanying procedures relating to suicide prevention, intervention and postvention in the event it is suspected that a student may have suicidal tendencies, or in the event a student suicide occurs. As used in this policy, “postvention” means counseling or other social care given to students after another student’s suicide or attempted suicide.

The legal duty to warn of a student’s suicidal tendencies occurs whenever this school district or any teacher has knowledge of direct evidence of a student’s suicidal tendencies, as determined by a court as a matter of law.

For the purposes of this policy, “direct evidence” is defined as evidence which directly proves a fact without inference and which in itself, if true, conclusively establishes that fact. Direct evidence includes unequivocal and unambiguous oral or written statements by the student which would not cause a reasonable teacher to speculate regarding the existence of the fact in question. Direct evidence does not include equivocal or ambiguous oral or written statements by a student which would cause a reasonable teacher to speculate regarding the existence of the fact in question.

No person shall have a cause of action for any loss or damage caused by any act or omission resulting from the implementation of this policy or resulting from any training received by district employees as required by Idaho Code §33-136, or lack thereof. Additionally, the training required by Idaho Code §33-136, or lack thereof, shall not be construed to impose any specific duty of care upon the district or any of its employees.



LEGAL REFERENCE:

Idaho Code Sections

33-136 – Suicide Prevention in Schools

33-512(4) – Governance of Schools

33-512B – Suicidal Tendencies – Duty to Warn

IDAPA 08.02.02.076.10(c) – Principle IX – Duty to Report – Duty to Warn

IDAPA 08.02.03.160 – Safe Environment and Discipline

Stoddart v. Pocatello School Dist. #25, 149 Idaho 679, 239 P.3d 784 (Idaho 2010)

Brooks v. Logan, 127 Idaho 484, 903 P.2d 73 (Idaho 1995)

Carrier v. Lake Pend Orielle School Dist., 142 Idaho 804, 134 P.3d 655 (Idaho 2006)

ADOPTED: June 1, 2007

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