

CHAPTER 326

EDUCATION - UNIVERSITIES AND COLLEGES

SENATE BILL 06-067

BY SENATOR(S) Hanna, Shaffer, and Groff;
also REPRESENTATIVE(S) Kerr, Berens, Hefley, King, Massey, Penry, Rose, Stafford, Stengel, Todd, White, and Frangas.

AN ACT

CONCERNING SUICIDAL BEHAVIOR AMONG STUDENTS IN HIGHER EDUCATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 20**Colorado Higher Education Student Suicide Prevention Act**

23-20-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO HIGHER EDUCATION STUDENT SUICIDE PREVENTION ACT".

23-20-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CONSENT FORM" MEANS A CONSENT FORM, SIGNED PURSUANT TO SECTION 23-20-103.

(2) "CONTACT PERSON" MEANS A STUDENT'S PARENT, PARENTS, OR FAMILY MEMBER OR ANOTHER PARTY DESIGNATED BY A STUDENT ON HIS OR HER CONSENT FORM.

(3) "STATE INSTITUTION" MEANS AN INSTITUTION OF HIGHER EDUCATION SUPPORTED IN WHOLE OR IN PART BY GENERAL FUND MONEYS.

(4) "STUDENT" MEANS AN UNDERGRADUATE STUDENT ENROLLED AT A STATE INSTITUTION.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

23-20-103. Limited implementation - consent to release confidential information - policy - revocation. (1) ON OR BEFORE JULY 1, 2007, THE COLORADO COMMISSION ON HIGHER EDUCATION SHALL SELECT ONE OR MORE WILLING STATE INSTITUTIONS TO IMPLEMENT THE PROVISIONS OF THIS ARTICLE FOR A TWO-YEAR PERIOD.

(2) (a) ON OR BEFORE SEPTEMBER 1, 2007, THE STATE INSTITUTIONS SELECTED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL ADOPT A POLICY TO DISTRIBUTE A CONSENT FORM TO EACH STUDENT ENROLLED IN THE INSTITUTION AND MAINTAIN THE CONSENT FORM AS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (2). AT A MINIMUM, THE POLICY SHALL IDENTIFY:

(I) THE MOST EFFECTIVE MEANS OF DISTRIBUTING THE CONSENT FORM CONSISTENT WITH THIS ARTICLE;

(II) THE LANGUAGE OF THE CONSENT FORM;

(III) WHERE AND IN WHAT MANNER THE INSTITUTION SHALL MAINTAIN THE CONSENT FORM TO PROVIDE THE GREATEST ACCESS TO AUTHORIZED PERSONNEL;

(IV) THOSE PERSONNEL WHO SHALL HAVE ACCESS TO THE CONSENT FORM; AND

(V) THOSE PERSONNEL WHO SHALL HAVE AUTHORITY TO NOTIFY THE CONTACT PERSON DESIGNATED IN THE CONSENT FORM AND THE PROCESS BY WHICH THE NOTIFICATION IS MADE.

(b) ON OR BEFORE SEPTEMBER 1, 2007, THE STATE INSTITUTIONS SELECTED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL INCLUDE WITH MATERIALS PROVIDED TO EACH MATRICULATING STUDENT A CONSENT FORM THAT:

(I) AUTHORIZES THE STATE INSTITUTION TO NOTIFY A DESIGNATED CONTACT PERSON IN THE EVENT THAT A PERSON WHO HAS BEEN DESIGNATED BY THE STATE INSTITUTION HAS A REASONABLE BELIEF THAT THE STUDENT IS CONSIDERING SUICIDE OR MAY BE A DANGER TO HIMSELF OR HERSELF; AND

(II) AUTHORIZES THE STATE INSTITUTION TO RELEASE TO THE DESIGNATED CONTACT PERSON ONLY SUCH OTHERWISE CONFIDENTIAL INFORMATION THAT IS DIRECTLY RELATED TO THE REASONABLE BELIEF THAT THE STUDENT IS CONSIDERING SUICIDE OR MAY BE A DANGER TO HIMSELF OR HERSELF AND SUCH INFORMATION AS IS MINIMALLY NECESSARY TO CONVEY TO THE CONTACT PERSON THE GROUNDS FOR THE REASONABLE BELIEF.

(c) THE CONSENT FORM SHALL INCLUDE NOTIFICATION TO THE STUDENT THAT, IF HE OR SHE WANTS THE CONSENT FORM TO BE KEPT ON FILE WITH THE STATE INSTITUTION, HE OR SHE MUST RETURN THE FORM TO THE LOCATION DESIGNATED ON THE FORM BY THE STATE INSTITUTION VIA SUCH DELIVERY METHOD AS DESIGNATED BY THE STATE INSTITUTION ON THE CONSENT FORM.

(3) REFUSING TO SIGN A CONSENT FORM AT THE TIME OF REGISTRATION SHALL NOT PRECLUDE A STUDENT FROM LATER REQUESTING AND SIGNING A CONSENT FORM,

NOR SHALL IT PRECLUDE THE STATE INSTITUTION FROM LATER PROVIDING THE STUDENT WITH THE OPTION OF SIGNING A CONSENT FORM.

(4) A STUDENT WHO HAS PREVIOUSLY SIGNED A CONSENT FORM MAY, AT ANY TIME, CHANGE THE CONTACT PERSON OR REVOKE THE CONSENT FORM ENTIRELY. REVOCATION OF A CONSENT FORM SHALL NOT PRECLUDE THE STUDENT FROM SIGNING A CONSENT FORM AT A LATER DATE.

(5) NOTWITHSTANDING THE PROVISIONS OF THIS ARTICLE, THE RELEASE OF INFORMATION CONCERNING A STUDENT WHO IS TAKEN INTO CUSTODY OR RECEIVING CARE AND TREATMENT UNDER THE PROVISIONS OF ARTICLE 10 OF TITLE 27, C.R.S., SHALL BE GOVERNED BY THE PROVISIONS OF ARTICLE 10 OF TITLE 27, C.R.S.

23-20-104. Duty - immunity from liability. THIS ARTICLE SHALL NOT IMPOSE A NEW DUTY ON A STATE INSTITUTION OR MODIFY AN EXISTING DUTY UNDER LAW TO EITHER MONITOR BEHAVIOR OR IDENTIFY CIRCUMSTANCES UNDER WHICH A STUDENT POSES A RISK TO HIMSELF OR HERSELF. A STATE INSTITUTION OR EMPLOYEE OF A STATE INSTITUTION THAT NOTIFIES OR PROVIDES INFORMATION TO A CONTACT PERSON PURSUANT TO THIS ARTICLE SHALL BE IMMUNE FROM SUIT FOR ANY ACT OR OMISSION RELATED TO NOTIFICATION OR DISCLOSURE OF INFORMATION PERTAINING TO A STUDENT WHO HAS SIGNED A CONSENT FORM.

23-20-105. Report - repeal. (1) ON OR BEFORE FEBRUARY 1, 2010, THE COLORADO COMMISSION ON HIGHER EDUCATION SHALL REPORT TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, REGARDING THE IMPLEMENTATION OF THE PROVISIONS OF THIS ARTICLE BY THE STATE INSTITUTIONS SELECTED PURSUANT TO SECTION 23-20-103 (1).

(2) THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2010.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 2, 2006