

CYBHI

Children and Youth
Behavioral Health Initiative



Navigating HIPAA and FERPA for Integrated School Behavioral Health Services

Part Three: HIPAA/FERPA in Practice
Illustrative Cases B & C



Part 3 of 3

Part One: Toolkit Overview and Application

Part Two: Illustrative Cases (A & D)
October 23, 2025 | 2:00pm-3:30pm

Part Three: Illustrative Cases (B & C)
November 5, 2025 | 2:00pm -3:30pm

What You Should Know

This material is provided for informational purposes only and does **not** constitute legal advice. Local Education Agencies (LEAs) and their partners should consult with their own legal counsel to ensure compliance with applicable federal and state laws, including but not limited to the Health Insurance Portability and Accountability Act (HIPAA), the Family Educational Rights and Privacy Act (FERPA), and related guidance such as the HIPAA-FERPA Joint Guidance Toolkit released by the U.S. Department of Health and Human Services (HHS). Each entity is responsible for determining how confidentiality and data-sharing requirements apply to their specific policies, practices, and partnerships.

Presenters



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Access the
Toolkit here:

[Navigating HIPAA and FERPA for Integrated
School Behavioral Health Services](#)



Series Recap

Part 1

- Why this Toolkit matters
- Contents and Use Cases
- Intended Audience
- Scope and Limitations
- Section by Section Tour

Part 2

- Illustrative Case Studies A & D
- Developing and Maintaining Care Networks

Today's Focus



Review Tools and Forms
Focus: Illustrative Cases B & C
Contracts
Policy and Practices
Information Notices

Understand “Network Design”

Reminder, this Toolkit uses the term “network design” to refer to how services are provided and funded in a school-behavioral health partnership, including: who provides the services, who funds the services, what services are offered, and who has operational and administrative control over service delivery. These factors help determine when FERPA, HIPAA, and other confidentiality and disclosure laws apply.

- Your network design(s) shapes the confidentiality
- Information sharing
- Administrative policies and practices that you and your partners follow



Case Examples in Toolkit

Health services fully rendered and claimed by LEA

Health services fully rendered and claimed by independent outside health provider

Example A

Staff employed by a County Office of Education (COE) deliver services to students on school campuses, fully funded by the COE. The COE bills eligible services to insurance where possible.

Example B

Staff employed by a school district deliver services to students on campus, fully funded by the district. The district bills eligible services to insurance where possible.

Example C

Staff from an independent health care provider deliver services to students on campus, on behalf of a school district (contracted). The district funds the services and bills eligible services to insurance where possible.

Example D

Staff employed by a Medi-Cal provider contracted with the county Specialty Mental Health Services (SMHS) Program deliver services to students off campus. The provider funds and bills insurance where possible.

Today's Focus

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Example A

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Case Example B: Brianna and Beta Elementary

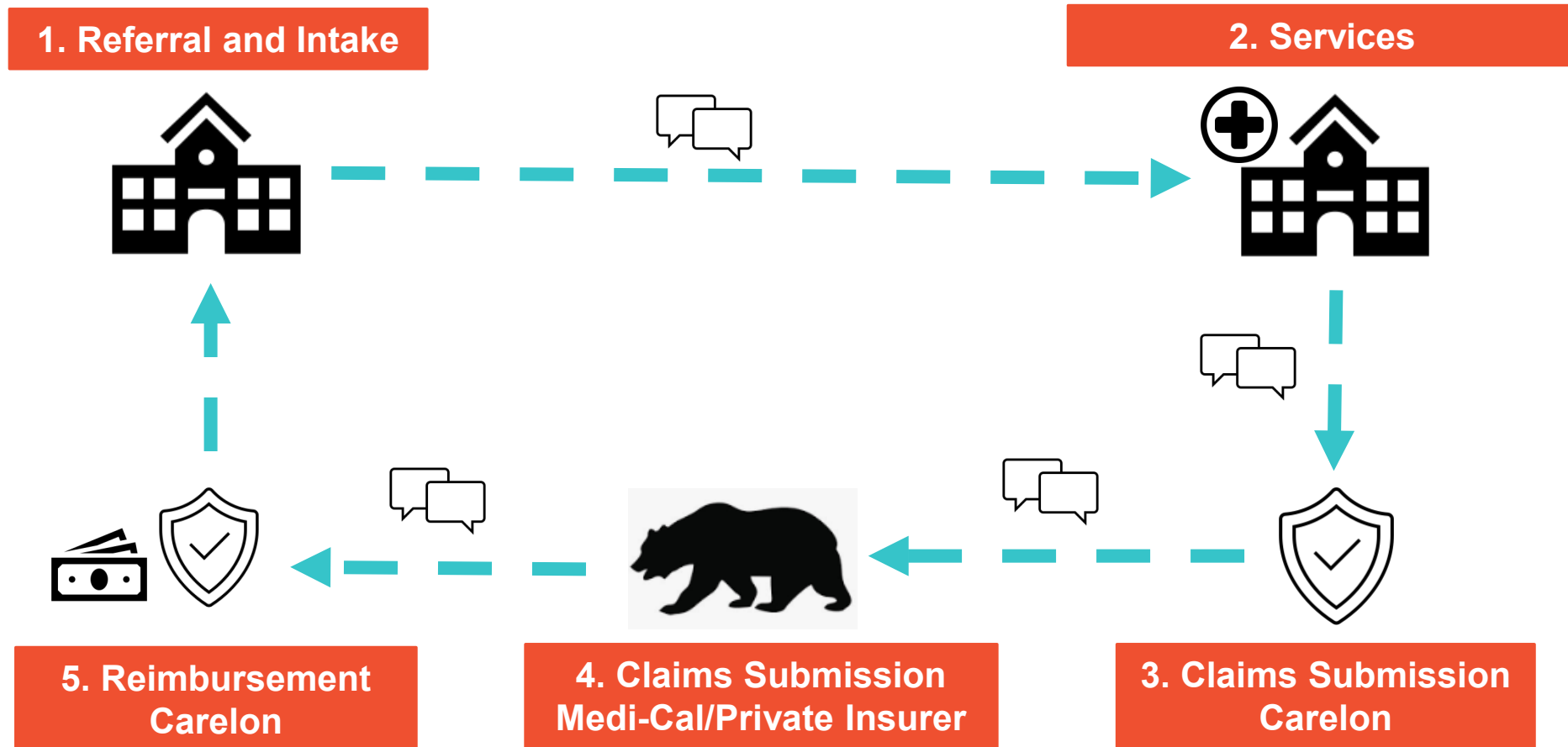


Example B

Staff employed by a school district deliver services to students on campus, fully funded by the district. The district bills eligible services to insurance where possible.

This example can be found in the HIPAA/FERPA Toolkit, Pages 38-45

Example B: Service and Reimbursement Journey



Reminder: Network Design and HIPAA/FERPA

The Network Design for service delivery tells us:

- Who provides the services
- Who funds the services
- What services are offered
- Who has operational and administrative control over service delivery

These factors help determine when FERPA, HIPAA, and other confidentiality and disclosure laws apply.

Example B: Beta Elementary's **Network Design**

Service Providers

Beta Elementary maintains “eligible” professionals to offer several services at the school. Staff are Beta Elementary employees with no other agency affiliation and deliver services to students on school campuses.

Reimbursement

Many of the services offered are eligible for reimbursement in the CYBHI Fee Schedule Program through a Third-Party Administrator, Carelon Behavioral Health.

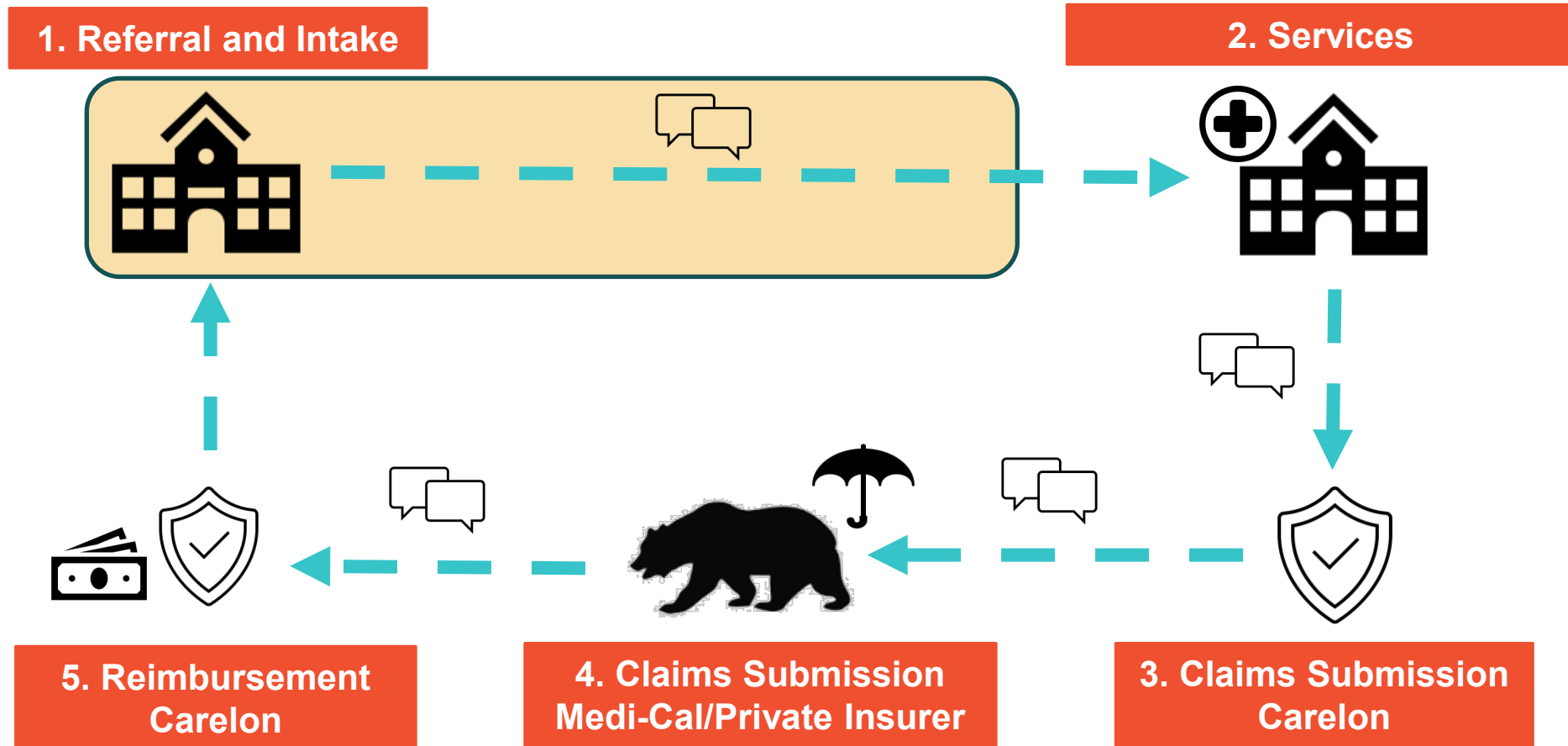
Services

Staff offer several MTSS Tier 1-level prevention services, such as psychosocial health education and mental health first aid.

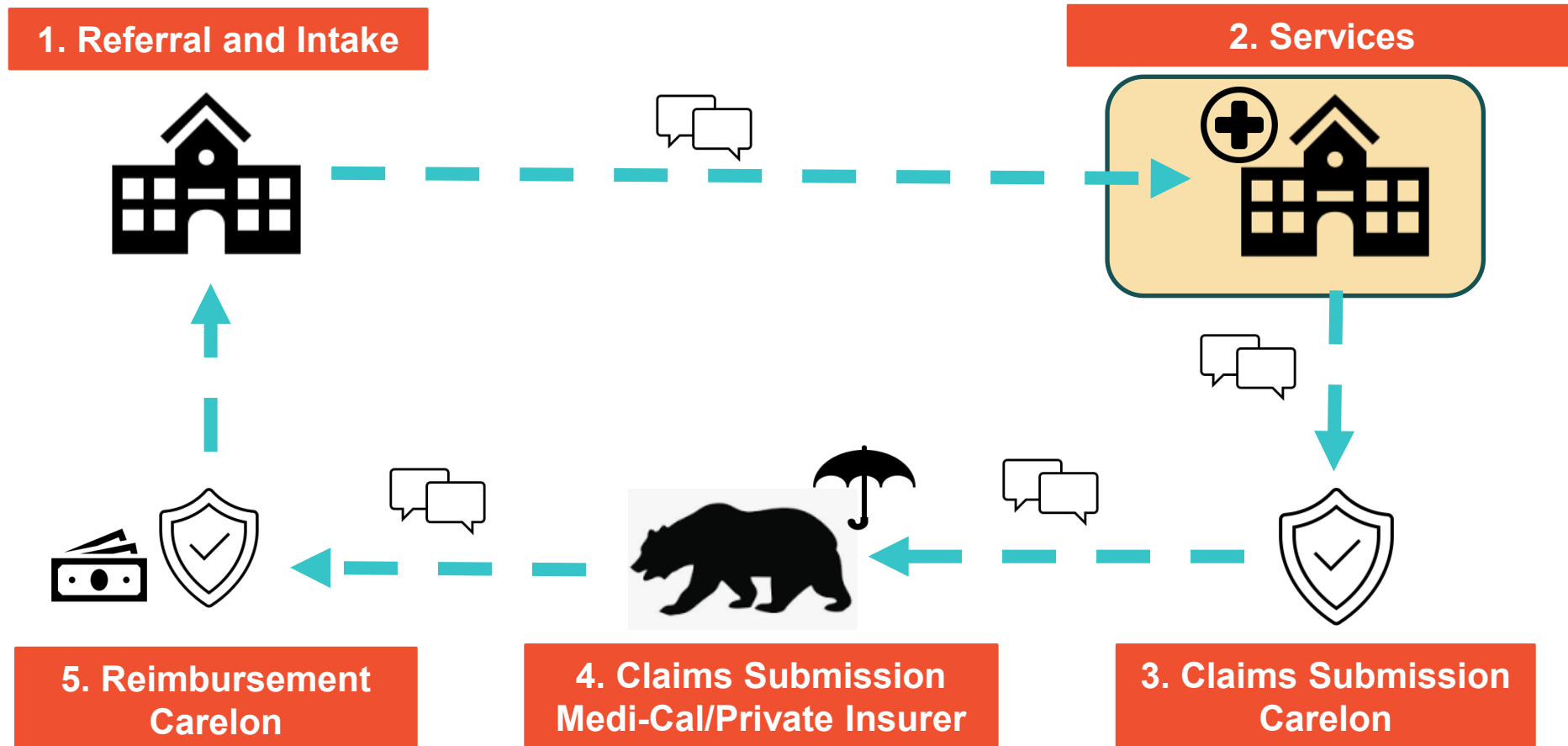
Contracts / MOUs

Beta Elementary has entered a provider participation agreement (PPA) with DHCS, which enrolls them in the CYBHI Fee Schedule Program's provider network and Medi -Cal program. Beta Elementary and Carelon have entered a Data Use Agreement.

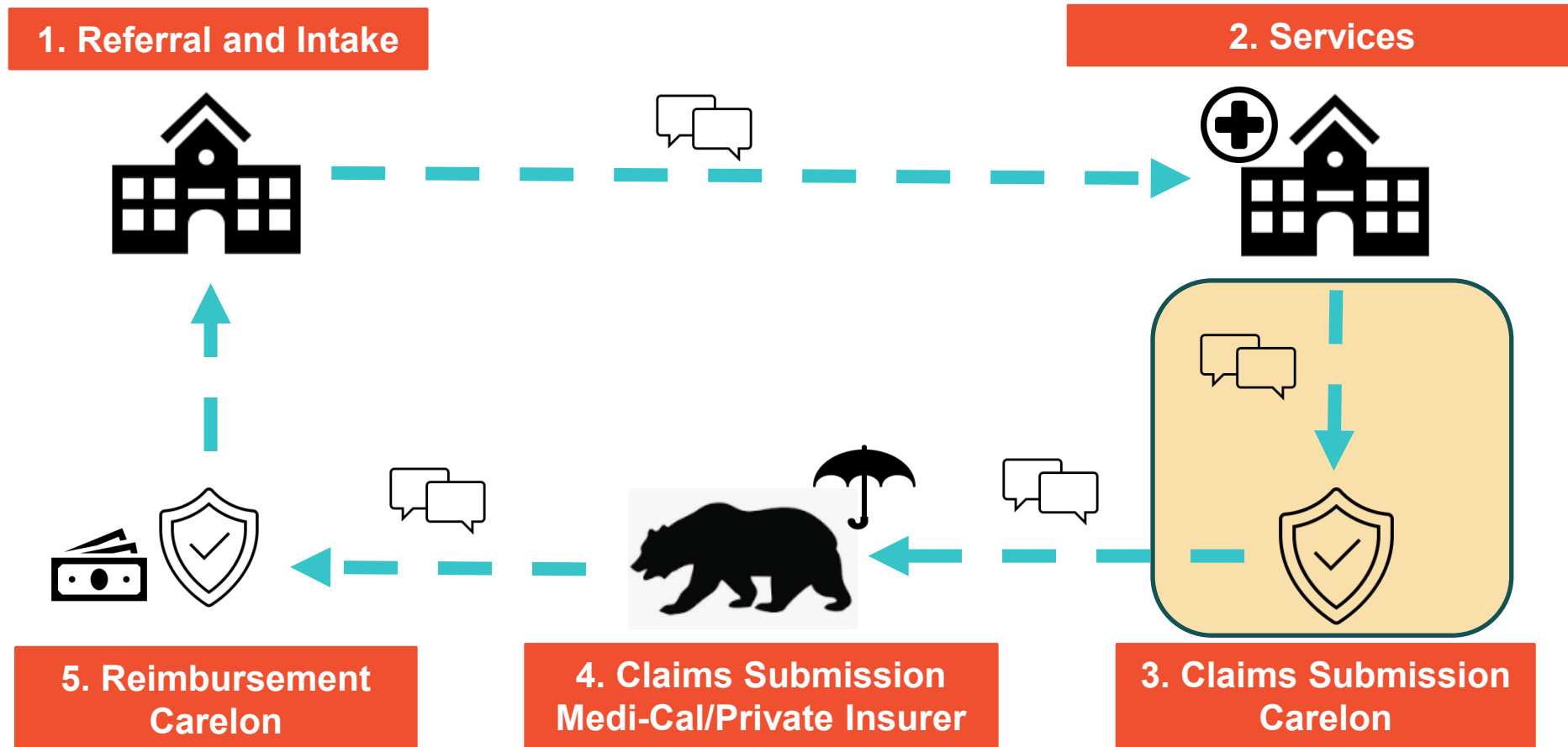
Example B: Does FERPA or HIPAA Privacy Rule Apply at Intake and Referral?



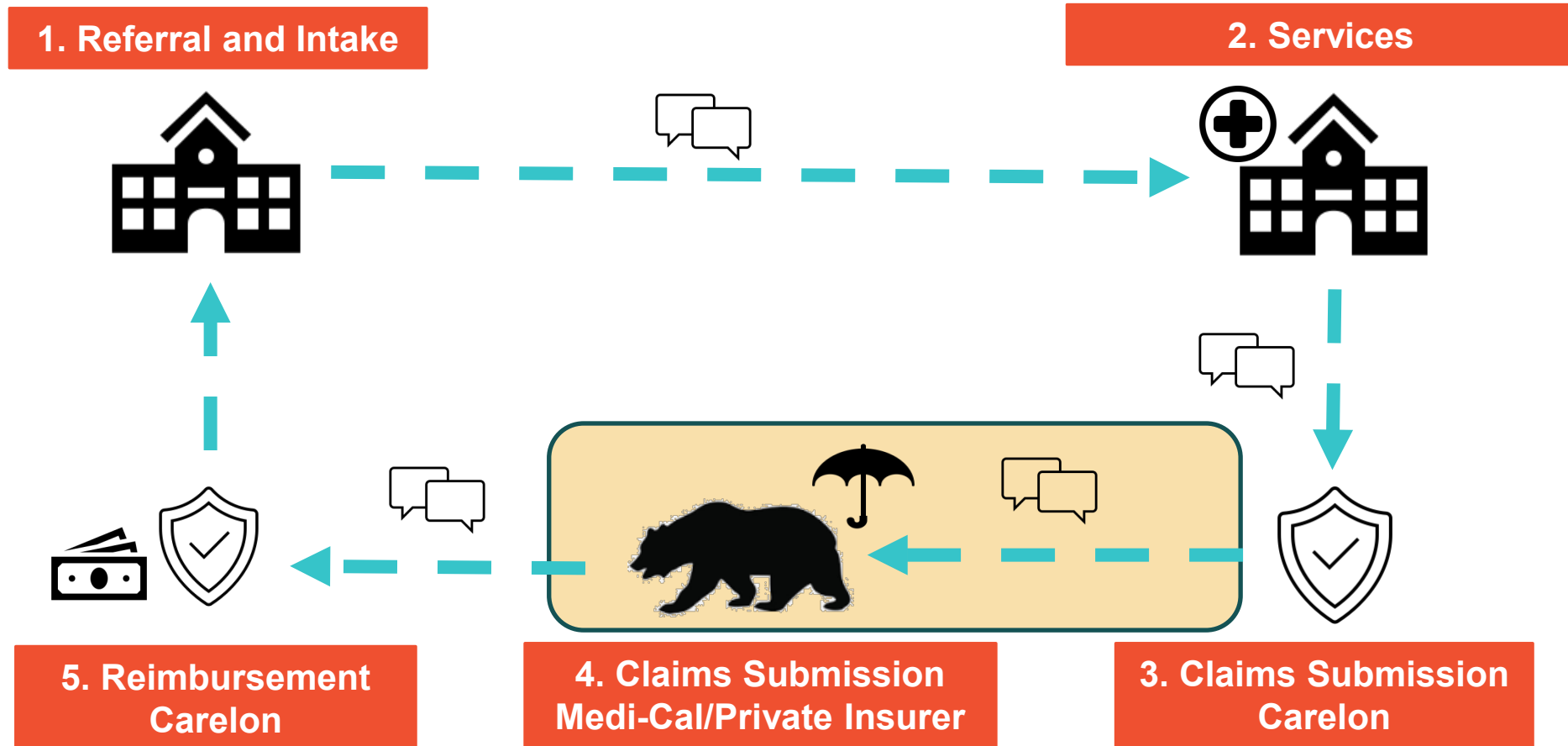
Example B: Does FERPA or HIPAA Privacy Rule Apply to **Service Delivery**?



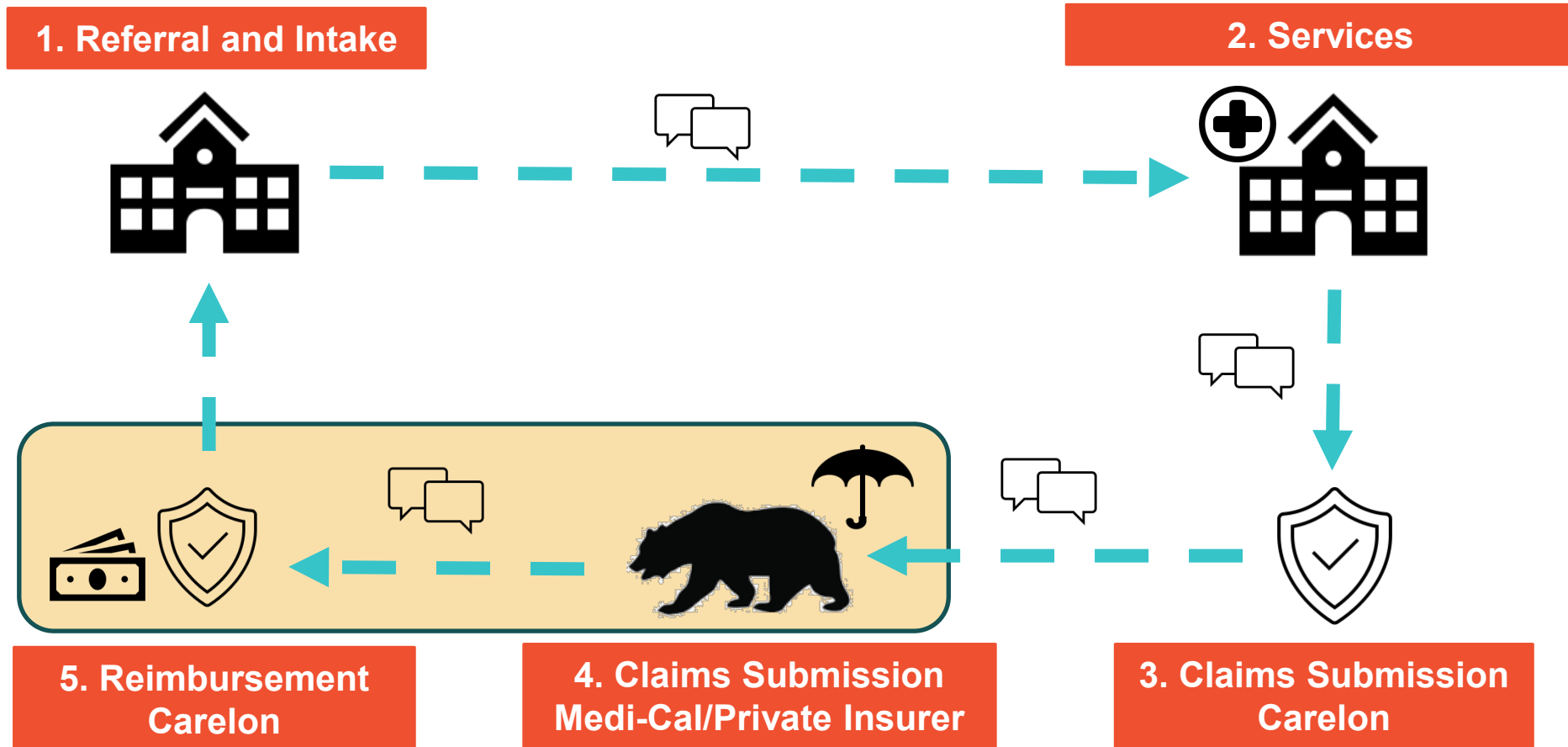
Example B: Does FERPA or HIPAA Privacy Rule Apply to **Claims Creation and Submission**?



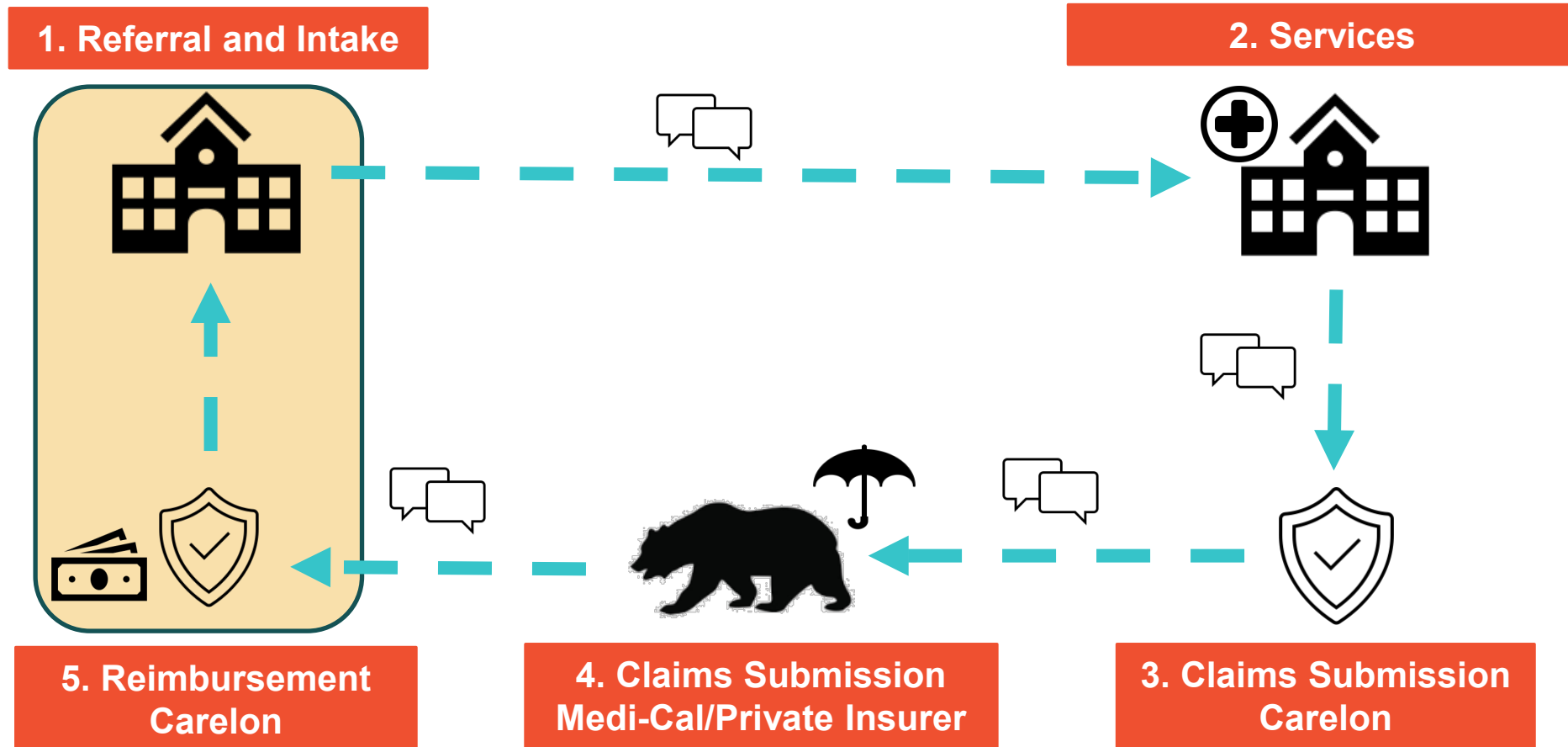
Example B: Does FERPA or HIPAA Privacy Rule Apply to **Claims Submission exchange** between Carelon and Insurers?



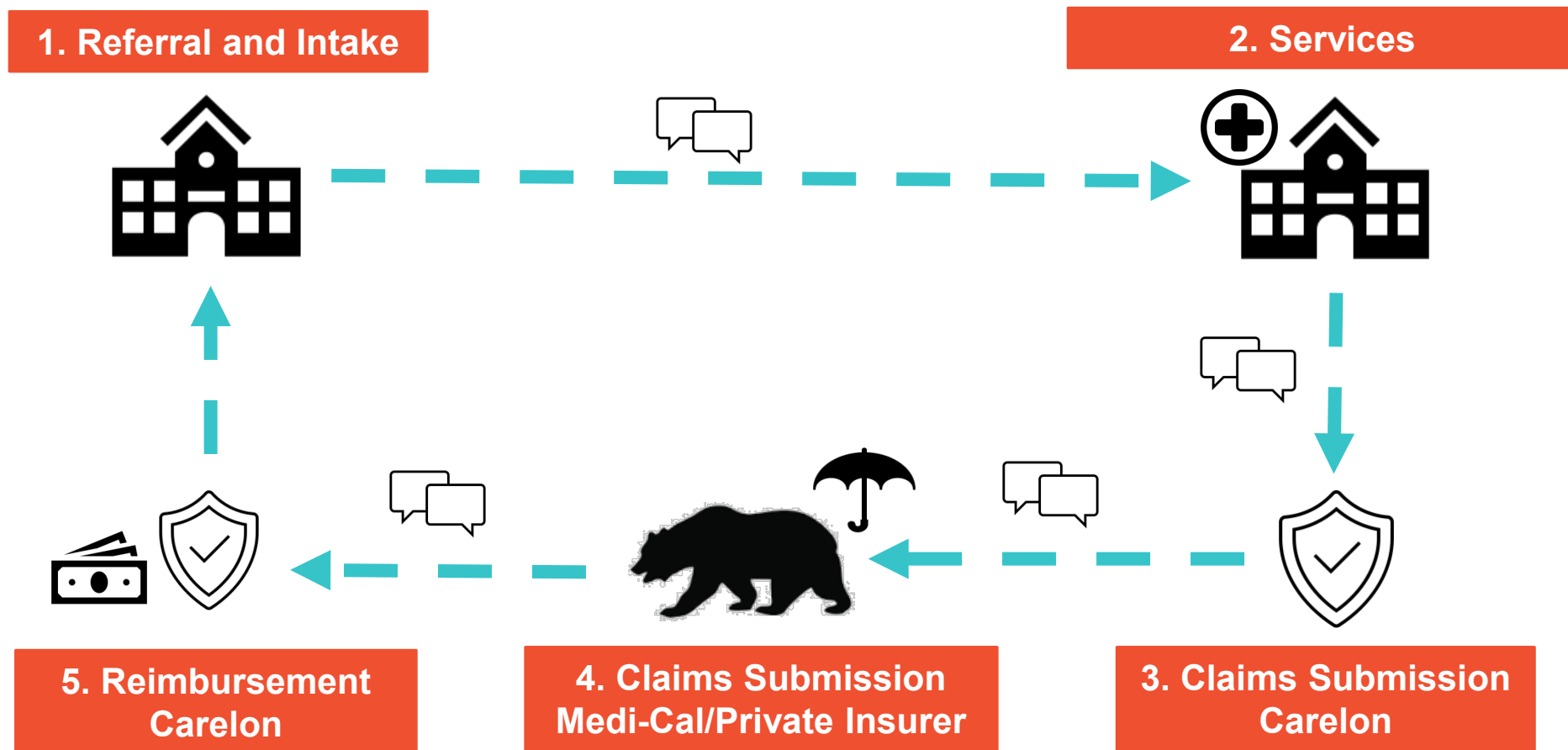
Example B: Does FERPA or HIPAA Privacy Rule Apply to **Reimbursement**?



Example B: Does FERPA or HIPAA Privacy Rule Apply to **Reimbursement**?



Example B: How do the **Contracts** in this Example Influence the Network Design and Answers?



Example B: Deeper Dive into **Contracts / MOUs / Agreements**

Agreement 1: Beta and DHCS

Beta Elementary has entered a **Provider Participation Agreement (PPA)** with DHCS, which enrolls them in the CYBHI Fee Schedule Program's provider network and Medi-Cal program.

Agreement 2: Beta and Carelon

Beta and Carelon entered a **Data Use Agreement (DUA)** as required by DHCS in which the parties agree to abide by HIPAA Security Rules that are related to maintenance and transmittal of CYBHI data, HIPAA (where applicable), and any other applicable confidentiality laws regarding the privacy and disclosure of CYBHI data.

Agreement 3: DHCS and Carelon

Carelon entered a **business associate agreement** with DHCS, in which Carelon agrees to abide by HIPAA Privacy and Security rules related to maintenance and transmittal of data.

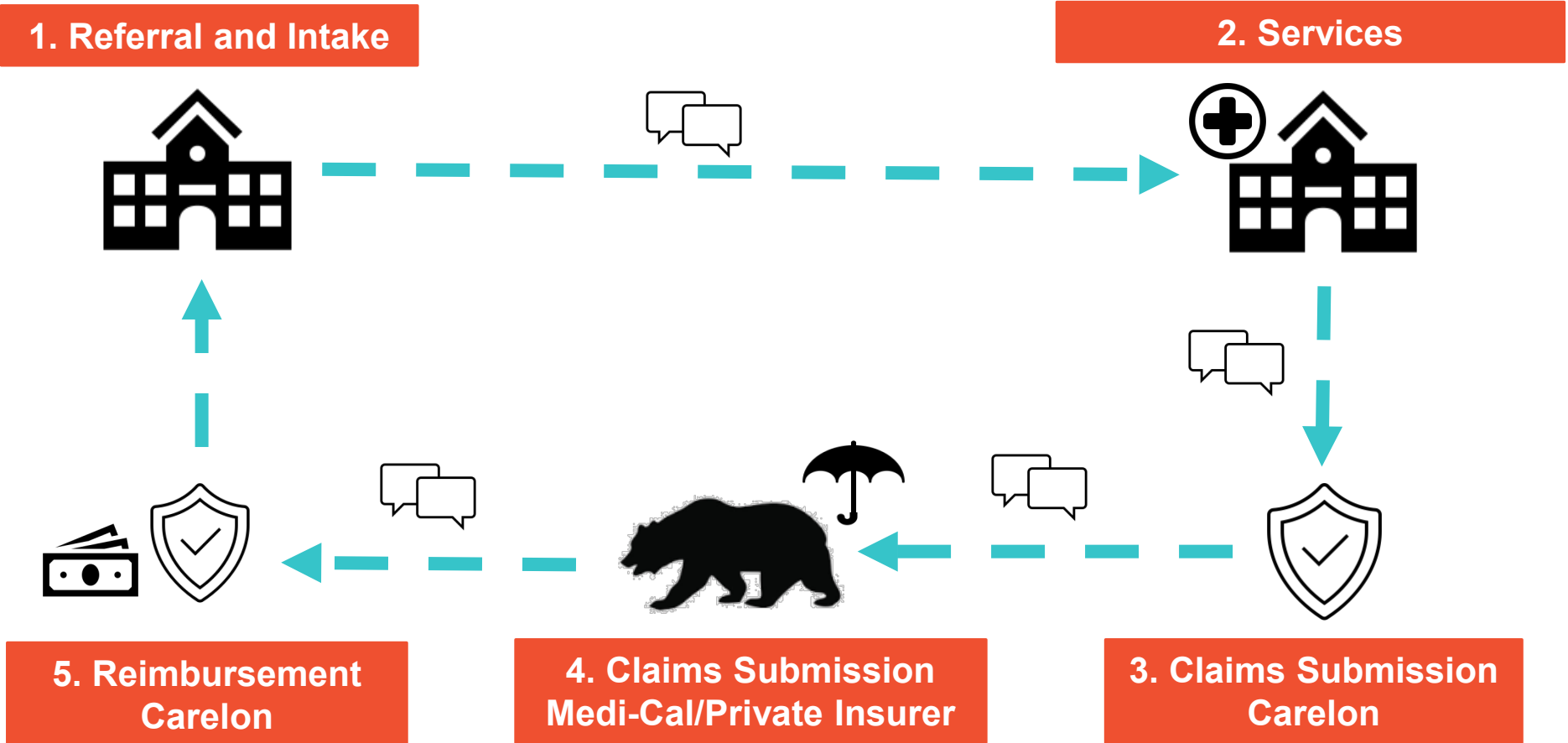
Note: HIPAA Privacy Rule versus HIPAA Security Rule

When a school bills insurance electronically, it must assess whether the HIPAA Security Rule applies.

If the Security Rule applies, “the school must ensure that the information system it uses to maintain and transfer electronic health information meets the physical, technical, and administrative requirements of the HIPAA Security Rule.”

HIPAA/FERPA Toolkit, Page 72

Example B: Why do the agreements matter?



Discussion and Questions





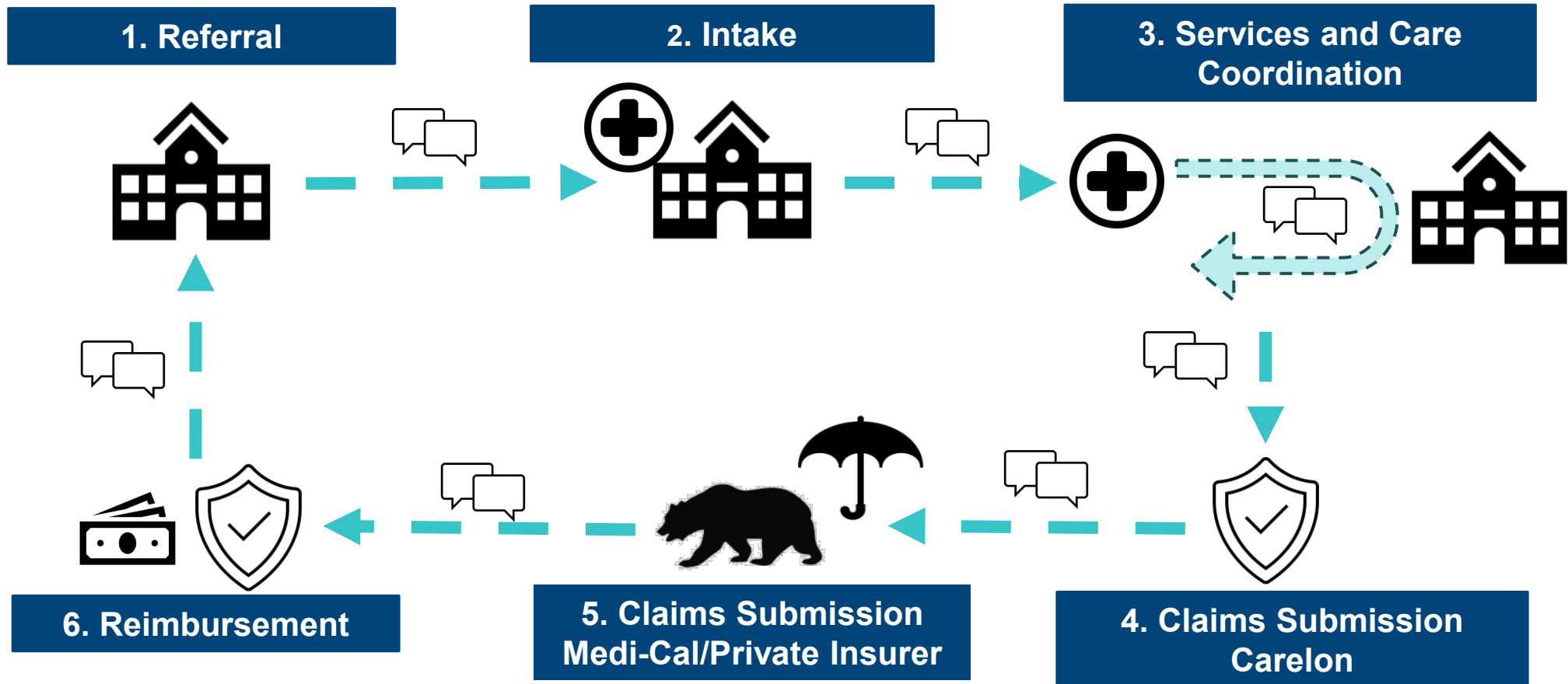
Example C

Case Example C: Cameron and Chestnut Unified School District/Cappa Counseling

Staff from an independent health care provider deliver services to students on campus, on behalf of a school district (contracted). The district funds the services and the district bills eligible services to insurance where possible.

This example can be found in the HIPAA/FERPA Toolkit, Pages 46-54

Example C: Service and Reimbursement Journey



Example C: Cameron, Cappa Counseling and Chestnut Unified

Service Providers

Health care professionals from Cappa Counseling, a local CBO, provide services three days per week in Chestnut Unified School District on middle and high school campuses.

Reimbursement

Chestnut Unified reimburses Cappa Counseling for services delivered. When services are eligible for reimbursement, Chestnut Unified's Billing Coordinator submits information to their TPB, which submits a claim for reimbursement that includes information from the student's educational record.

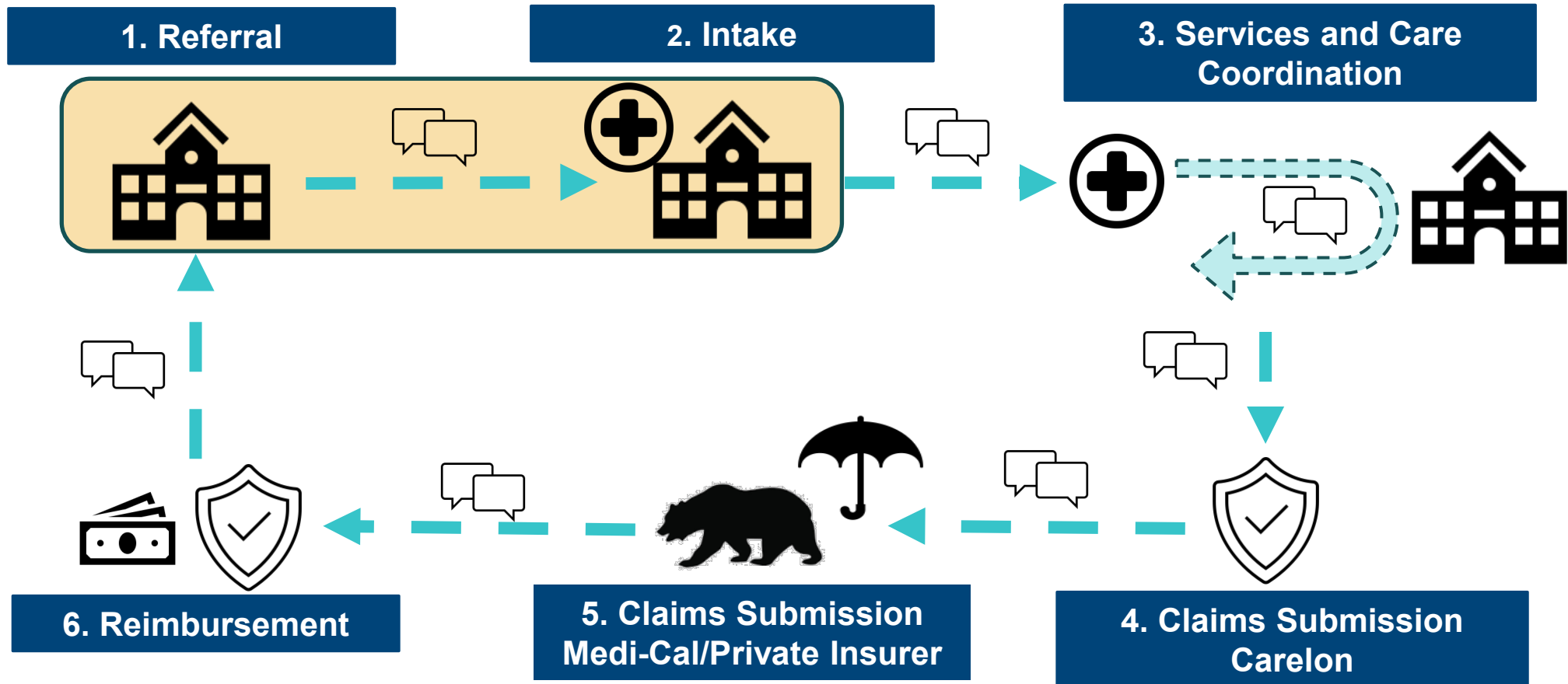
Services

Health care professionals from Cappa Counseling provide psychotherapy and group counseling.

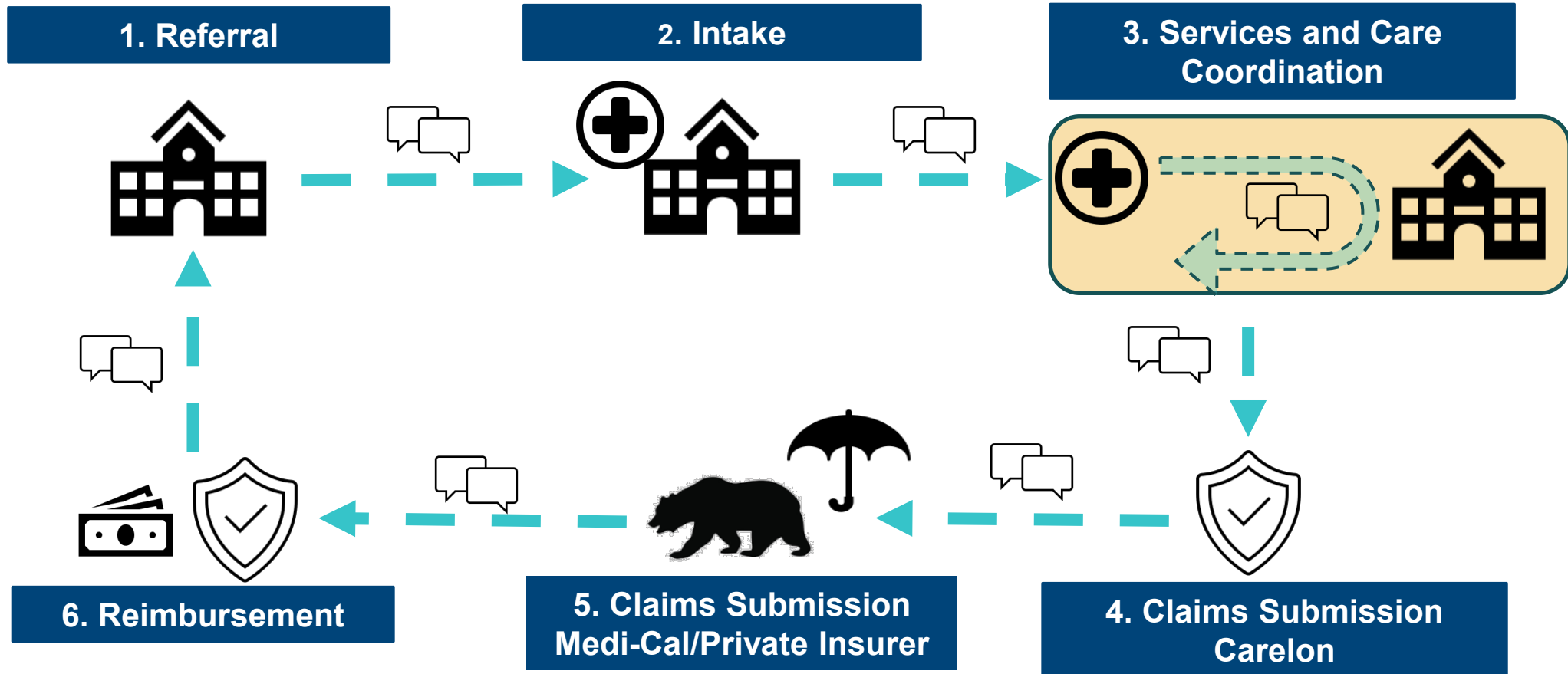
Contract/ MOUs

Cappa Counseling and Chestnut Unified have a contract. Chestnut and their Third Party Biller also have a contract.

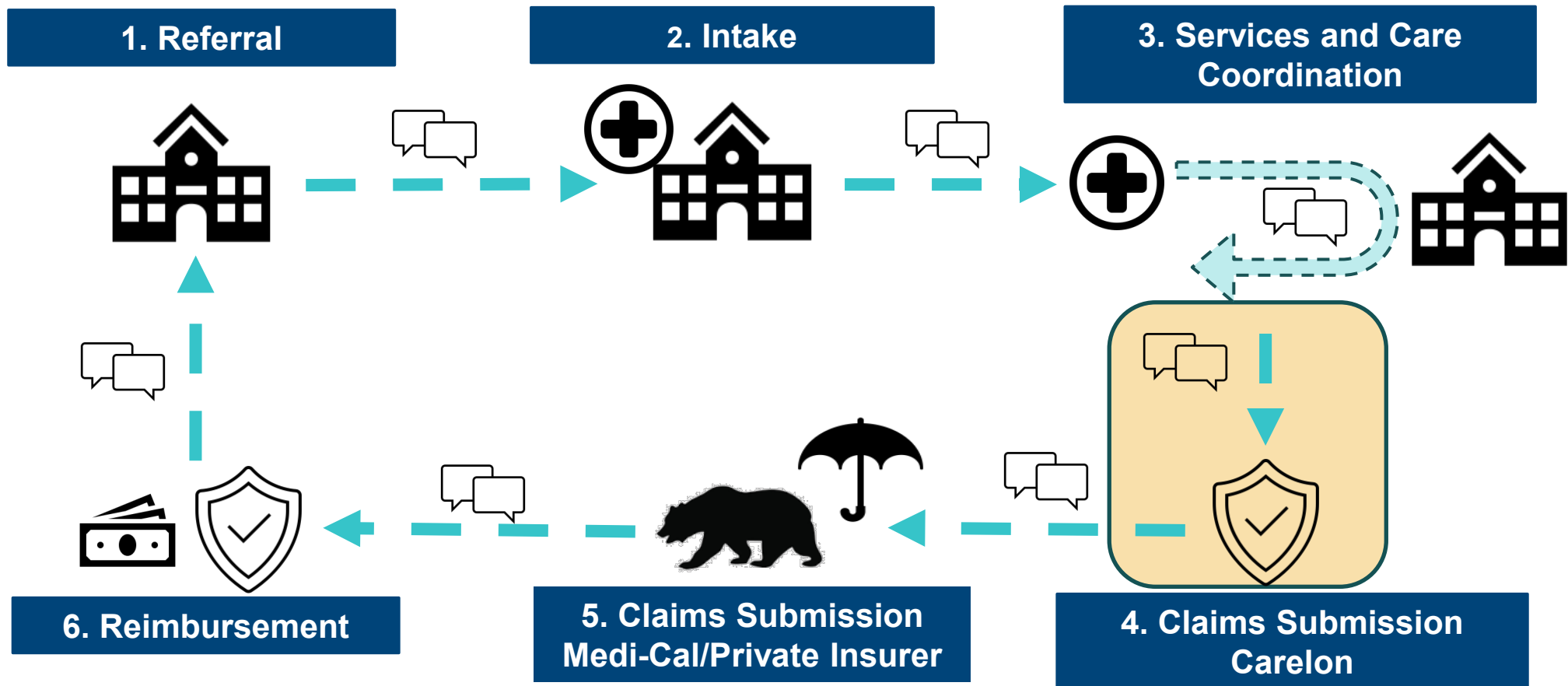
Example C: Does FERPA or HIPAA Privacy apply at **Referral and Intake**?



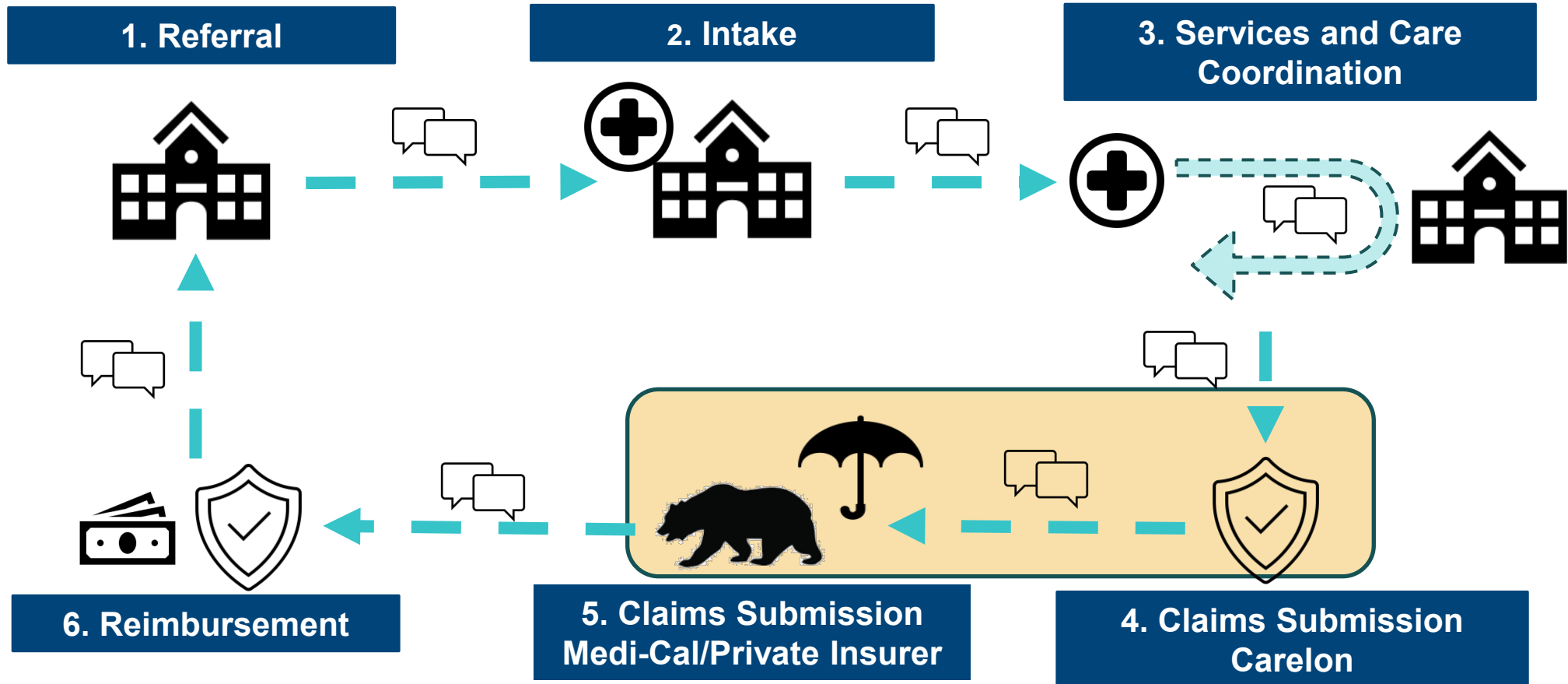
Example C: Does FERPA or HIPAA Privacy apply at Services and Care Coordination?



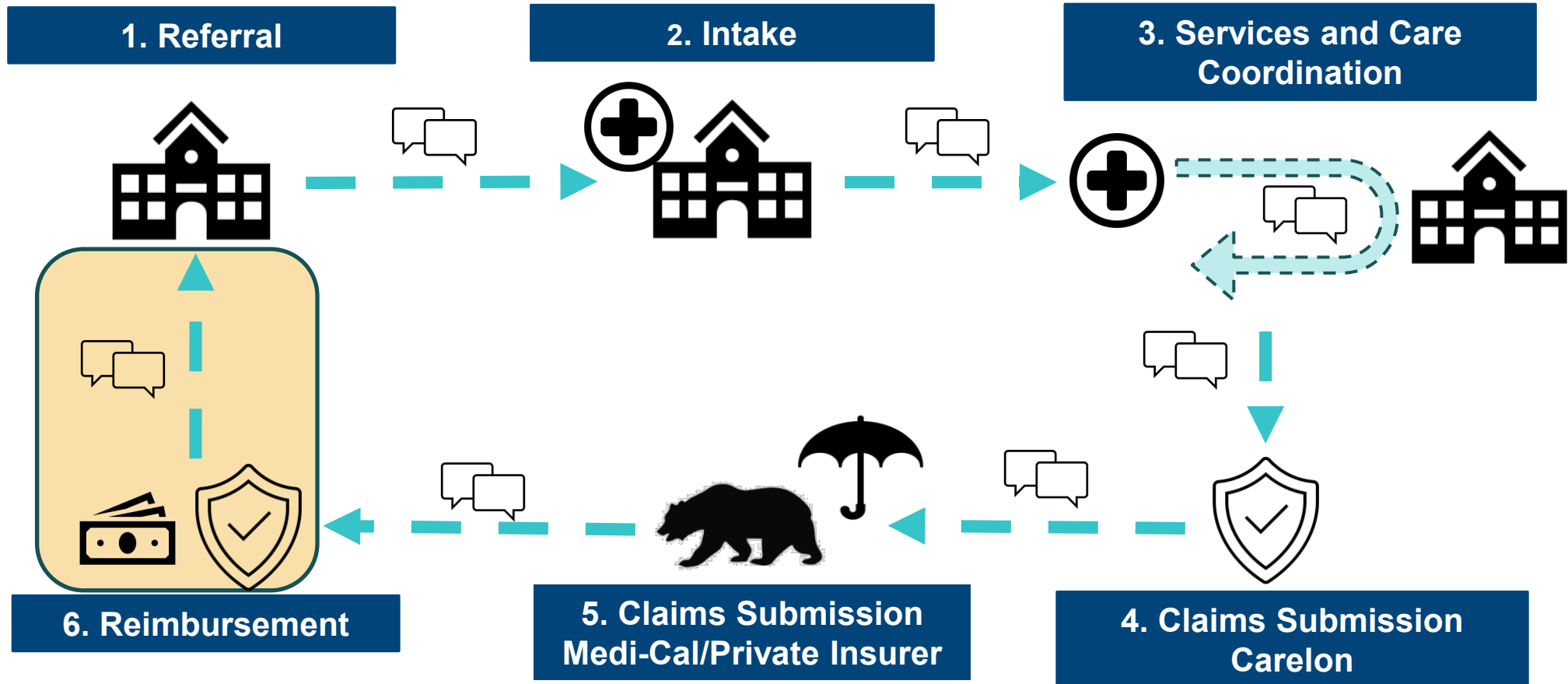
Example C: Does FERPA or HIPAA Privacy apply at **Claim Creation**?



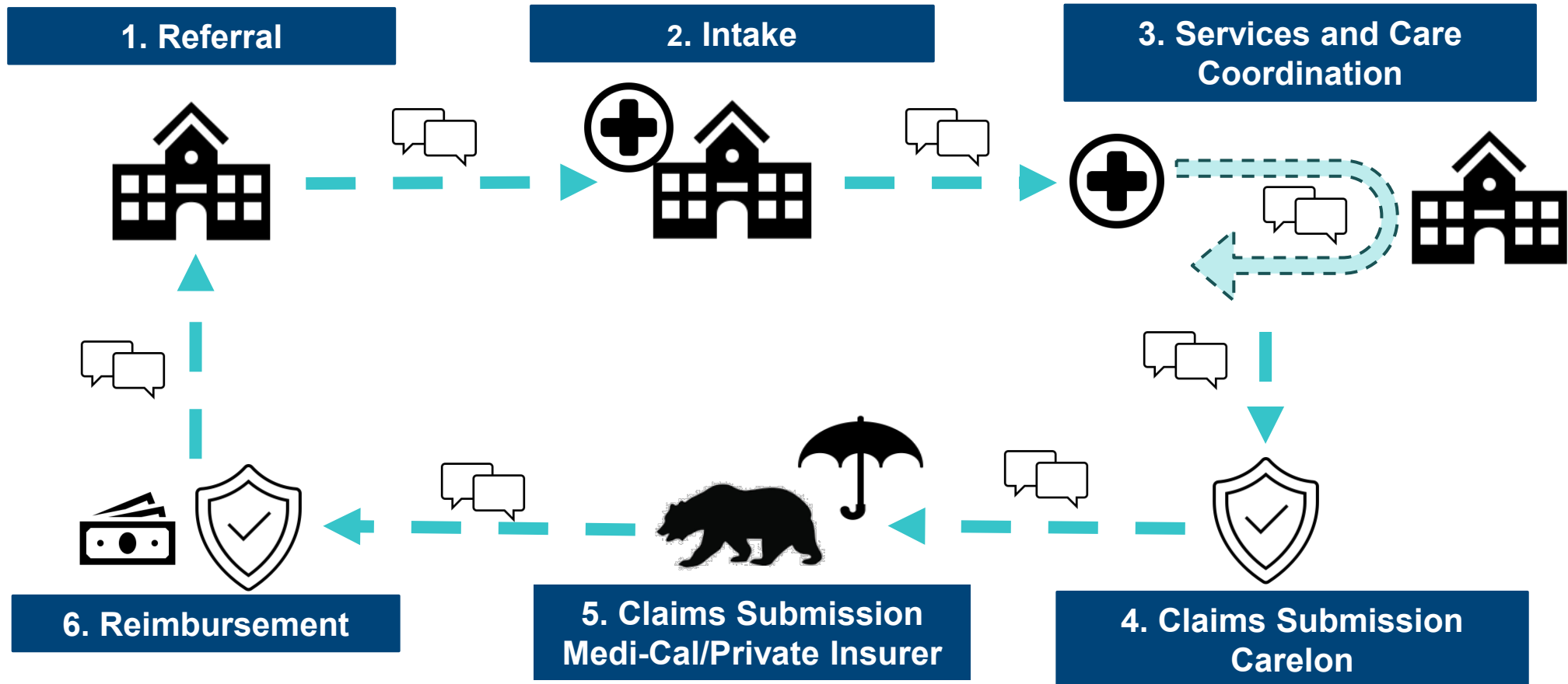
Example C: Does FERPA or HIPAA Privacy apply at Claim Submission and Review?



Example C: Does FERPA or HIPAA Privacy apply at **Reimbursement**?



Example C: How Do the **Contracts** in this Example influence Network Design and Answers?



Example C: Deeper Dive into the Contracts/MOUs/ Agreements

Agreement 1:

Chestnut and Cappa

Chestnut Unified and Cappa Counseling have a contract in place outlining their roles in service delivery and reimbursement. The contract outlines that Chestnut Unified will reimburse Cappa Counseling for campus services, and Cappa staff will act as school officials on campus, and as such, will comply with FERPA regulations.

Agreement 2:

Chestnut and Carelon

Chestnut and Carelon entered a **Data Use Agreement (DUA)**, as required by DHCS in which the parties agree to abide by HIPAA Security Rules that are related to maintenance and transmittal of CYBHI data, HIPAA (where applicable), and any other applicable confidentiality laws regarding the privacy and disclosure of CYBHI data.

Agreement 3:

DHCS and Carelon

Carelon entered a **business associate agreement** with DHCS, in which Carelon agrees to abide by HIPAA Privacy and Security rules related to maintenance and transmittal of data..

Note: When is a contractor considered a **School Official**?

Some contractors can be considered “school officials” for purposes of disclosing a student’s PHI without a release of information under FERPA. ED guidance and FERPA regulations provide factors that help determine whether a provider of health care can or should be considered a school official. These factors include types of services offered, administrative and operational control of service delivery, and financing of the service delivery.

HIPAA/FERPA Toolkit, Pages 15-16

Note: **Business Associates**

A “business associate” is an individual or organization that receives, creates, maintains, or transmits “protected health information” as part of work done on behalf of a “covered entity.” This work must be directly related to HIPAA -regulated activities by the covered entity, such as claims processing or billing, or services that support that work.

Discussion and Questions



Contracts



Developing Agreements:

Questions to consider with legal counsel when developing a network design and considering agreements:

1. What role does each agency play?
For example, what services, equipment, and commitments is each agency offering?
2. Which agency is ultimately responsible for delivering services?
3. Which agency (if any) will seek reimbursement from insurance or other funding sources?
4. Is a provider acting as a contracting “school official” of an educational agency?
5. Is a partner acting as a contracting “business associate” of a HIPAA -covered entity?
6. What confidentiality laws apply to student or patient information for referral, intake, service delivery, billing, and reimbursement in your network design?
7. What records will be created throughout, and why are they needed?
8. Who will have access to the records, and what is the reason for that access? How will they access records?
9. Where will records be maintained and how? Do applicable laws impose storage and security requirements that must be considered (e.g., HIPAA Security Rule)?
10. What additional confidentiality rules (e.g., CMIA, IIPPA, 42 CFR Part 2, etc.) apply given the services offered?
11. What are the required and allowed (but optional) confidentiality and disclosure practices? What are the best practices, keeping your shared goals and guiding principles in mind?

HIPAA/FERPA Toolkit, Page 66-67

Information Notices



FERPA and HIPAA Privacy Rule Disclosures

Both FERPA and HIPAA require that certain disclosures and notices be created and shared. When developing and disseminating these notices, work with legal counsel to determine the specifics, including:

- LEA Annual Notices: LEAs are required to distribute these to parents/guardians annually. Review whether the updates are needed with your legal counsel.
- Information Packets: Legal counsel should review what forms or information to include in these packets, such as ROIs, other forms and protocols, and/or service overviews.
- HIPAA Annual Notice of Privacy Practice: HIPAA-covered entities must give certain privacy notices to patients. Legal counsel can advise when and how to distribute these notices, and what they should include.

HIPAA/FERPA Toolkit, Page 67

Policy and Practices



Decisions made in agreements and forms should be turned into written policies to ensure consistent implementation. Some policies may not be legally required but may be considered best practices to help partners achieve shared goals within the ecosystem.

Discussion and Questions



Part 3 of 3

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Next Steps

1. **Build an implementation team at your site.**
 - a. Review Guidance and Video Series

2. **Define your Network Design**
 - a. How are you set up to deliver services
 - b. Which case example fits your network
 - c. Include all relevant partners (e.g., HR, IT, Fiscal)

3. **Process map steps** from referral to completed services

4. **Train staff** on process and applicable laws.
 - a. Remind staff where to go if they have questions.

5. **Communicate, include and engage family members**
 - a. Understanding services
 - b. Understanding rights

Toolkit: Navigating HIPAA and FERPA for Integrated School Behavioral Health Services – CYBHI



Thank You



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