

California's Information-Sharing Webtool: Addressing Your HIPAA and FERPA Questions

Rebeca Cerna, REL West at WestEd

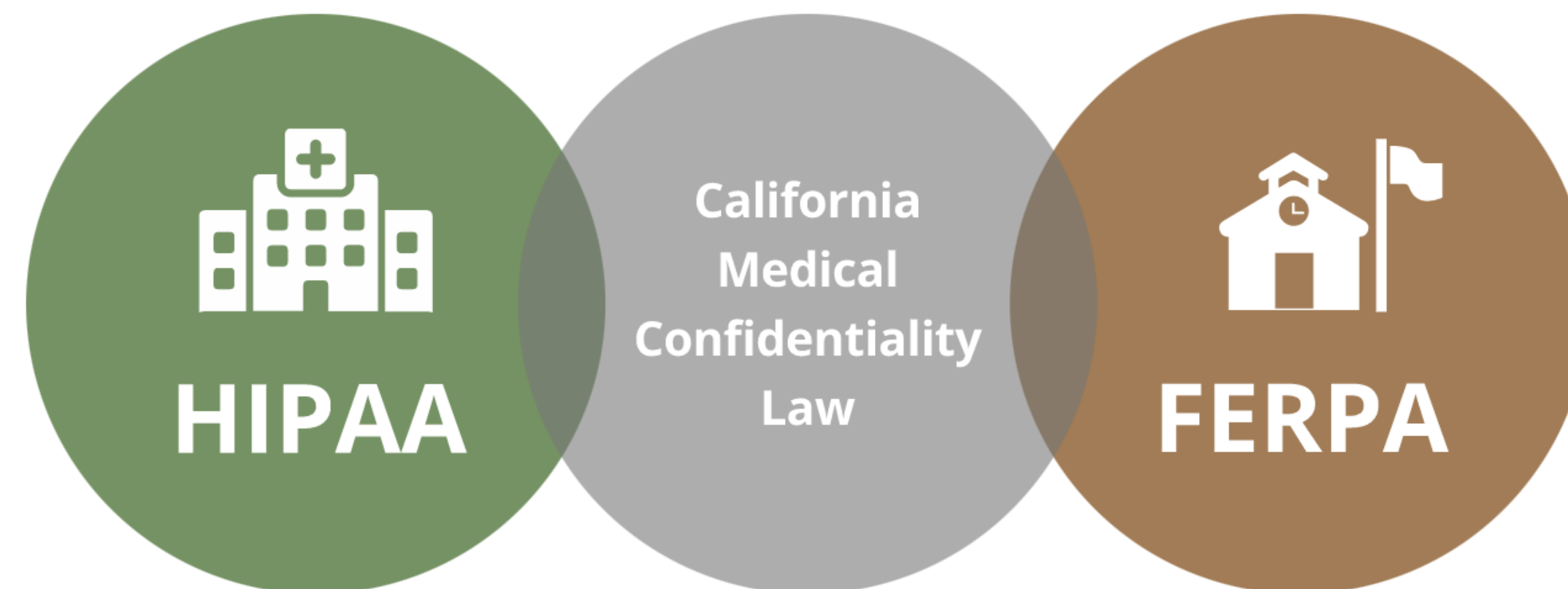
Rebecca Gudeman, National Center for Youth Law

Marcel Reynolds, California School-Based Health Alliance

May 4, 2021

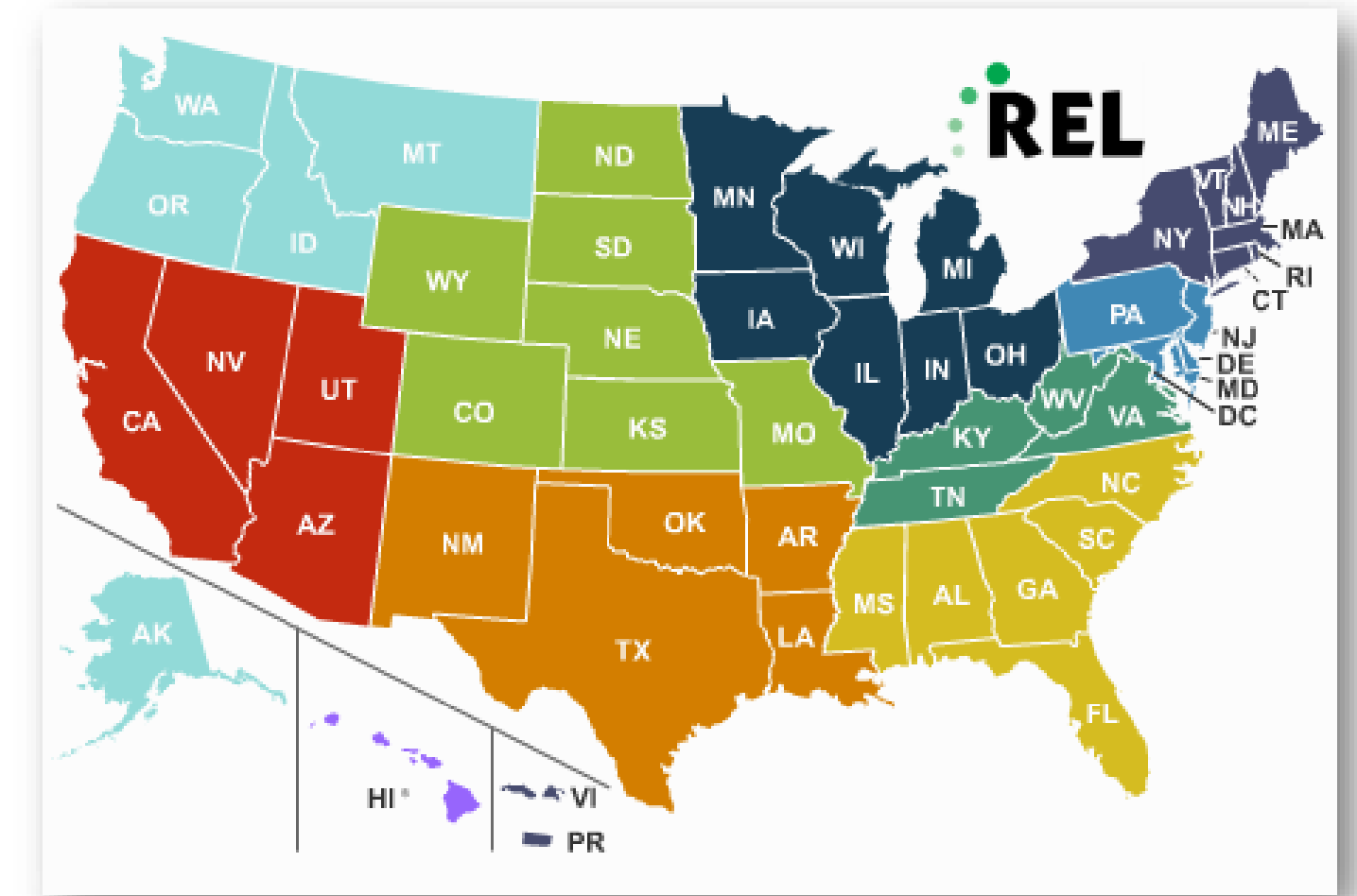
Goals for Today

- Gain a better understanding of the importance and value of education and health cross-sector information sharing
- Learn about the content and format of the new California School-Based Health Alliance webtool, *Guide for Sharing Student Health and Education Information*
- Learn how to navigate the webtool to address specific HIPAA and FERPA-related questions



Regional Educational Laboratory West

- Funded by the Institute of Education Sciences (IES)
- Conducts applied research
- Disseminates actionable research evidence
- Provides technical support around data collection, evidence use, and research



California School-Based Health Alliance

- Statewide nonprofit organization
- Improves the health and academic success of children and youth by advancing health services in schools

National Center for Youth Law

- National nonprofit law firm
- Transforms the multiple public systems serving low-income children — including education, child welfare, public health, behavioral health, juvenile justice, and workforce development — so vulnerable children receive support to advance and thrive

Presenters



Rebeca Cerna, MPH
REL West
Area Director Resilient and Healthy
Schools and Communities



Rebecca Gudeman, JD, MPA
National Center for Youth Law
Attorney, Senior Director of Adolescent
Health



Marcel Reynolds, MA
California School-Based Health Alliance
Communications Director

Why is Student Information Sharing and Privacy Critical?

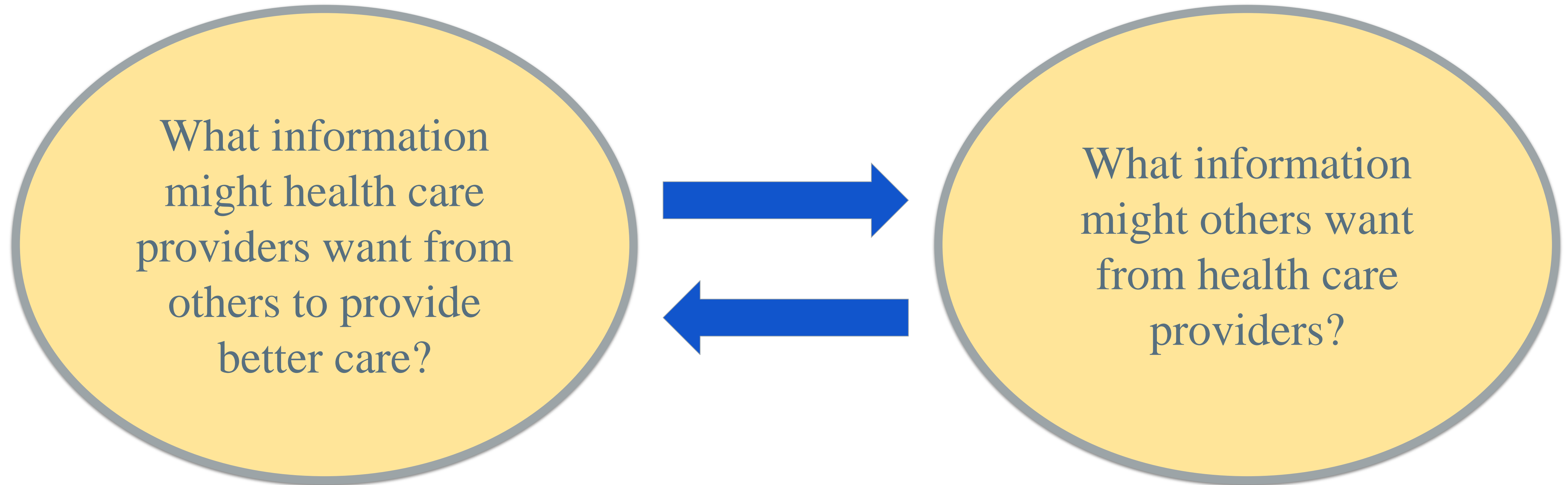
A Scenario About Information Sharing and Privacy

John is in 3rd grade at Franklin Elementary School. He's been distracted and fidgeting in class. His teacher refers him and his family to the mental health counselor from a local nonprofit who comes to campus once a week.

The counselor learns that John's aunt recently passed away and that he's scared about losing other family members. He hasn't been sleeping well and is feeling anxious. John's teacher reaches out to the counselor to ask if there's anything she can do to help him.



Information Sharing: Why It Matters



National Center for Youth Law, 2018; Soliemanpour & Geierstanger, 2014; U.S. Department of Health and Human Services and U.S. Department of Education, 2019

Privacy: Why It Matters

- It protects personal information from misuse
- Laws mandate privacy for certain information
- Protecting privacy improves health and education outcomes



National Center for Youth Law, 2018; Soliemanpour & Geierstanger, 2014

The Balance Between Information Sharing and Privacy Protections

Confidentiality laws allow for the exchange of specified information in certain ways.



What Influences How Much Information is Shared in a Collaborative Setting?

- Law
- Community norms
- Sensitivity of underlying information
- Ethics
- Relationships and trust
- Policies, protocols, and contracts



HIPAA, FERPA, and California Law

- HIPAA and FERPA allow for sharing of specified information with consent to release that information
- Both include mechanisms that allow for sharing of specified information for purposes of coordinating and collaborating
- Both allow for sharing of specified de-identified information to analyze student outcomes and/or assess the efficacy of a program or intervention

These are laws designed to protect confidentiality of health and education information, which is critical

National Center for Youth Law, 2018

Introduction to the Guide: A New California School-Based Health Alliance Resource

Many Partners Developed the Guide

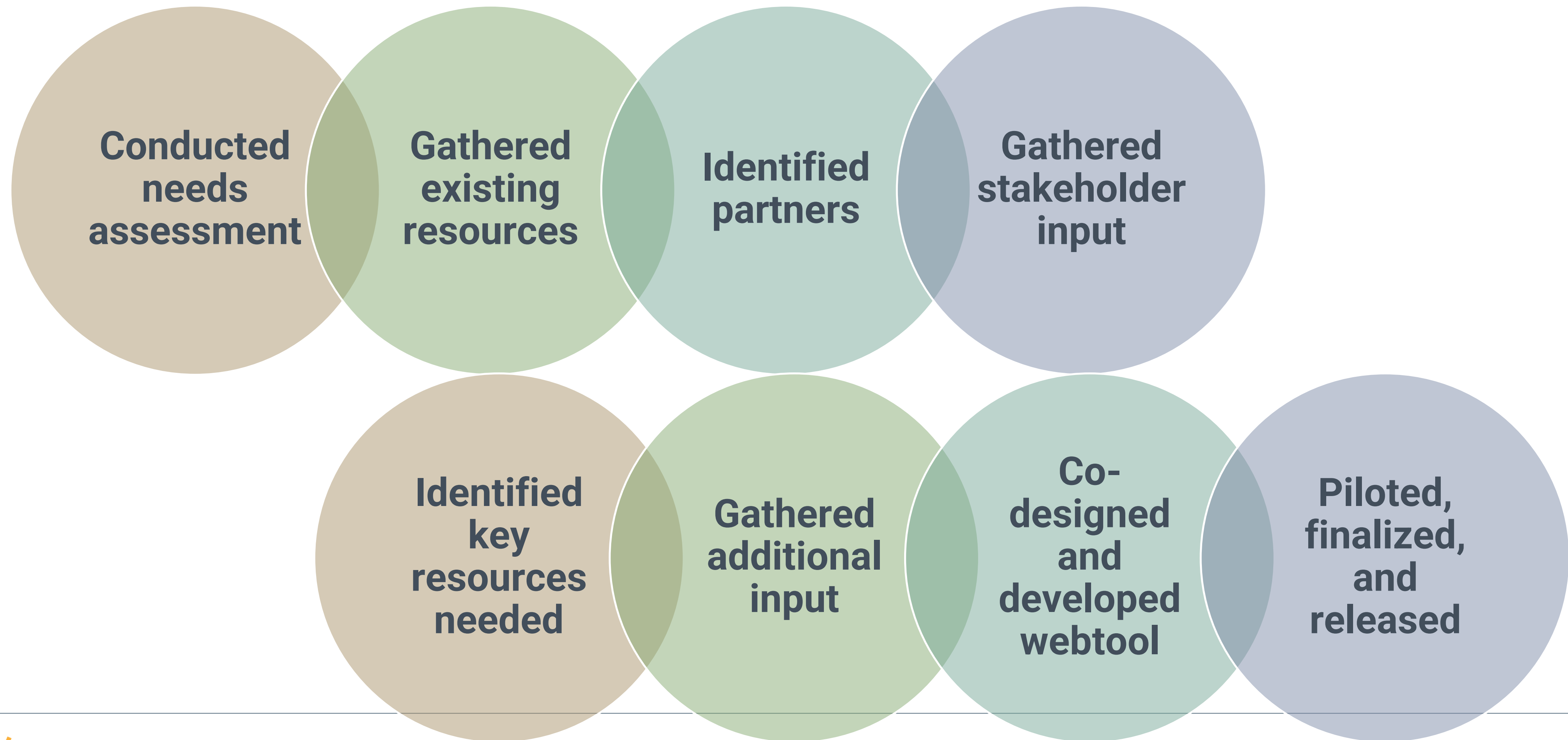
- California School-Based Health Alliance
 - Developed the web-based guide
- National Center for Youth Law
 - Authored the primer on which the guide is based
- REL West
 - Supported information-gathering and developing resources to support the guide's implementation

With Help From

- Alameda County Health Care Services Agency
- Breaking Barriers
- Native American Health
- The Los Angeles Trust for Children's Health



The Process for Developing the Webtool



The Foundational Resource: *HIPAA or FERPA?* *A Primer on Sharing School Health Information in California*



HIPAA or FERPA?
**A Primer on Sharing
School Health
Information
in California**
Second Edition

Overview of Content and Format: Live Demonstration

<https://www.schoolhealthcenters.org/hipaaferpa>



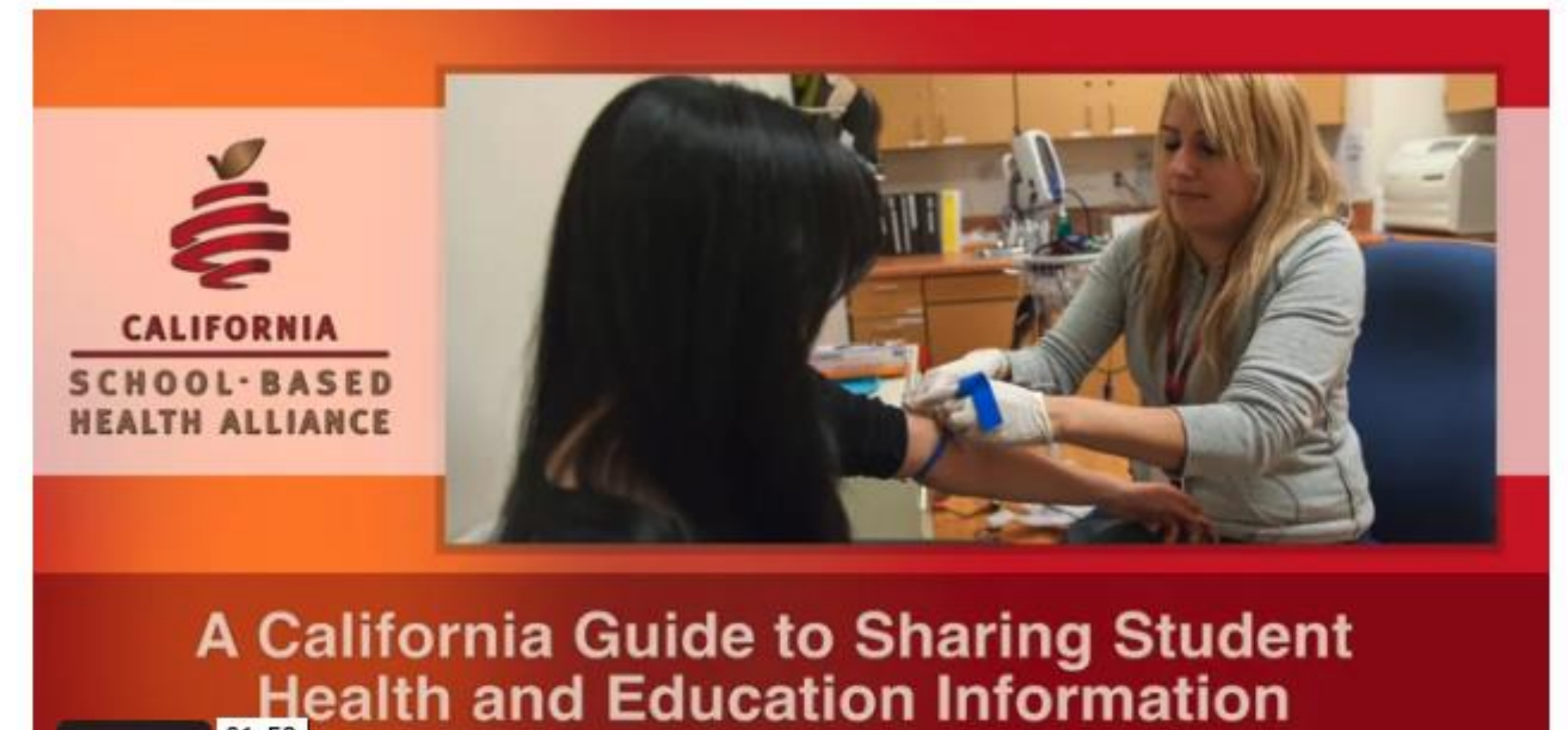
[SIGN IN](#) or [BECOME A](#)

[ABOUT US](#) [SCHOOL-BASED HEALTH](#) [RESOURCES](#) [POLICY](#) [FUNDING](#) [GET CONNECTED](#)

A CALIFORNIA GUIDE FOR SHARING STUDENT HEALTH AND EDUCATION INFORMATION

[HOME](#) > [RESOURCES](#) > [SBHC OPERATIONS](#) > [CONSENT & CONFIDENTIALITY](#) > A CALIFORNIA GUIDE FOR SHARING STUDENT HEALTH AND EDUCATION INFORMATION

The goal of *A California Guide for Sharing Student Health and Education Information* is to strengthen and expand partnerships between education agencies and school-based health programs. This guide provides an overview of the laws that relate to sharing student/patient information (HIPAA, FERPA and California State Law), as well as best practices and resource materials for schools and health providers.



Navigating the Webtool Guide to Address Key Questions

? Question From the Field: School-Based Mental Health Provider



Am I HIPAA or
FERPA?

? Question From the Field: School Nurse



Can I operate under
HIPAA and FERPA at
the same time?

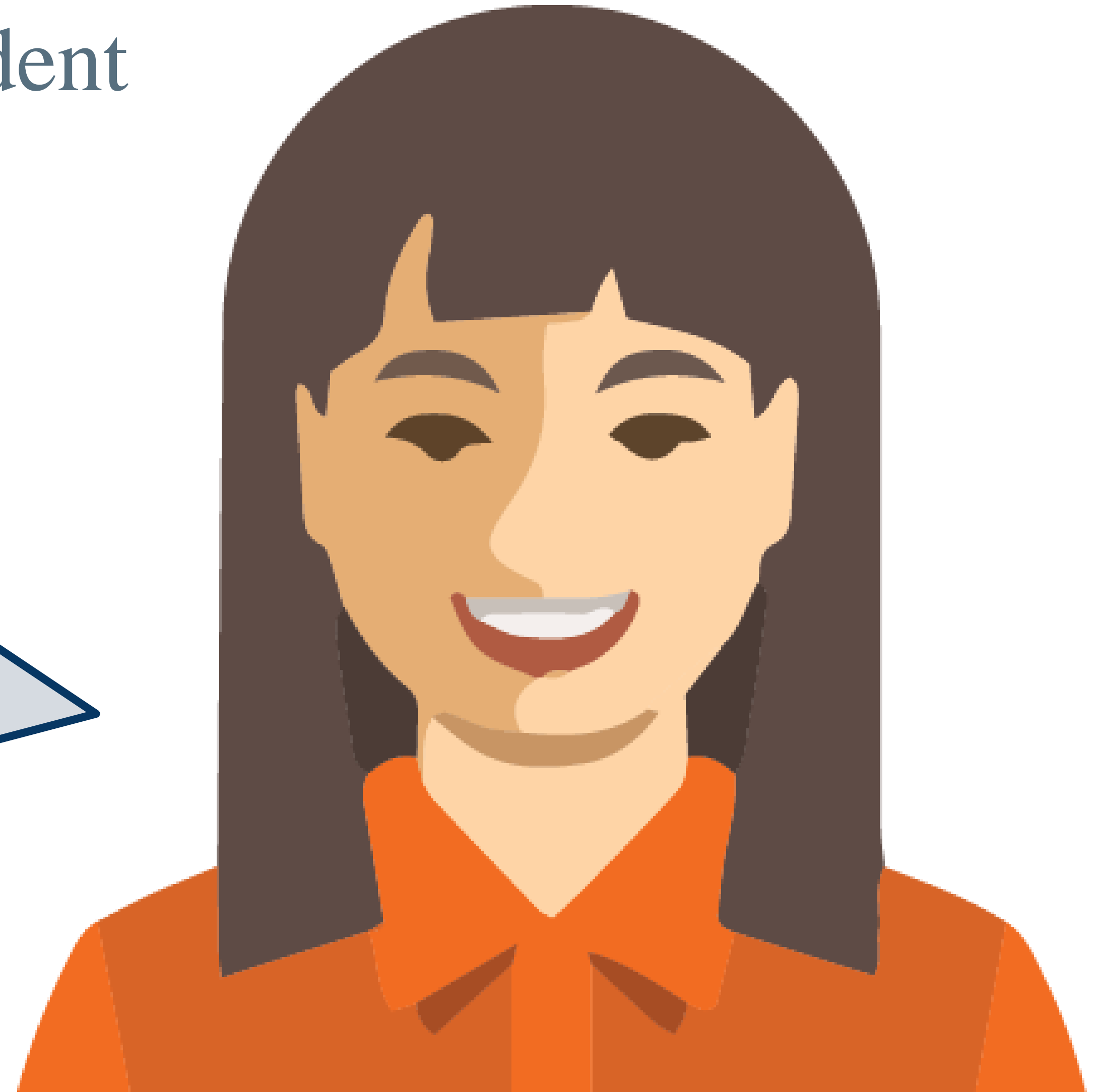
? Question From the Field: School Administrator



We've recently brought in a community-based mental health clinic, operating under HIPAA, to provide services on campus. What do we need to do to make referrals? What information can we share?

? Question From the Field: Student

A children's hospital has opened a clinic at my school. If I go and sign a minor consent form for services, will information be shared with my teachers?



Videos

- A California Guide to Sharing Student Health and Education Information
- HIPAA: An Overview for California Health Professionals
- FERPA: An Overview for California School Health Professionals
- How HIPAA and FERPA Interact in California
- HIPAA/FERPA 101



More Questions About the Tool?

Contact us!
info@schoolhealthcenters.org



Please Take Our Survey

Your feedback is important to us!

https://www.surveymonkey.com/r/HIPAA_FERPA_Webtool



FEEDBACK

Thank you!

This presentation was prepared for the Institute of Education Sciences (IES) under Contract ED-IES-17-C-0012 by Regional Educational Laboratory (REL) West at WestEd. The content of the presentation does not necessarily reflect the views or policies of IES or the U.S. Department of Education, nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government.

Citations

National Center for Youth Law. (2018). *HIPAA or FERPA? A primer on school health information sharing in California*. Retrieved from <https://youthlaw.org/wp-content/uploads/2018/10/2018.10.23-HIPAAorFERPA-California.pdf>

Soliemanpour, S., & Geierstanger, S. (2014). *Documenting the link between school-based health centers and academic success: A guide for the field*. Retrieved from <http://healthpolicy.ucsf.edu/sites/healthpolicy.ucsf.edu/files/documents/SBHCs-Academic-Success-CA-Alliance-2014.pdf>

U.S. Department of Health and Human Services and U.S. Department of Education. (2019). *Joint guidance on the application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to student health records*. Retrieved from https://studentprivacy.ed.gov/sites/default/files/resource_document/file/2019%20HIPAA%20FERPA%20Joint%20Guidance%20508.pdf