

CLIENT NEWS BRIEF

Two New Laws Require Educational Agency Actions to Enhance Student Access to Health Services

Governor Jerry Brown recently signed two Assembly Bills (AB) into law, designed to increase student access to health services. Both laws focus on mental health services for students.

AB 2022: Bi-Annual Notice Requirement Regarding Access to Student Mental Health Services

AB 2022 adds Education Code section 49428 and requires public schools, including charter schools, to provide students and their parents or guardians at least twice per school year with information regarding how to access student mental health services on campus and/or in the community. This new notice requirement must be implemented beginning in the 2019-2020 school year.

Schools must notify parents or guardians by including the information in at least two of the following formats:

- Electronic or hardcopy letter;
- Parent handbook distributed at the beginning of the school year; or
- School's website or social media page.

Schools must notify students by including the information in at least two of the following formats:

- An electronic or hardcopy document or school publication;
- Pupil orientation materials at the beginning of the school year, or a pupil handbook; or
- The school website or social media page.

Counties may use funds from the Mental Health Services Act to provide grants to school districts, charter schools or county offices of education. In order to access such funds, school districts, charter schools and county offices of education should apply for grants from their respective counties.

AB 2315: CDE Guidelines for Providing Telehealth Technology in Public Schools

AB 2315 adds Education Code section 49429 and requires the California Department of Education (CDE) to develop guidelines for the use of telehealth technology in public schools, including charter schools, for the provision of mental health and behavioral health services to students on campus. Telehealth is the provision of health care services from a distance using information and communication technologies. Examples of telehealth may include video conferencing, phone and email communications, remote monitoring, and online patient portals. The CDE guidelines must be posted on the CDE's website by July 1, 2020, as long as sufficient funds are made available for this purpose. The guidelines must cover a number of topics including, but not limited to, the following:

- Qualifications of individuals authorized to assist students in accessing mental health and behavioral health services via telehealth technology;

December 2018
Number 92



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- Qualifications of individuals authorized to provide mental health and behavioral health services to students via telehealth technology;
- Potential sources of funding for schools to implement telehealth technology;
- Legal requirements for parental consent to treatment of minors via telehealth technology; and
- Measures necessary to protect pupil and medical data transmitted via telehealth technology.

Takeaways

Both of these new laws are aimed at enhancing student access to health services with a specific focus on mental health. Schools should prepare to provide the notices required under AB 2022 beginning in the 2019-2020 school year. Counties should be prepared to process funding requests and provide funding to schools for the notifications required under AB 2022. With respect to AB 2315, public schools should be on the lookout for CDE's guidelines, which should be issued by July 1, 2020. These guidelines will provide schools with a roadmap to use technology for mental and behavioral health services on campus.

If you have any questions regarding these new laws or any other student matter, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#) or download our [Client News Brief App](#).