

# HB1945/SB1037

School boards; school-based telehealth and mental health teletherapy services, accessibility.



Bill Patron: Delegate Atoosa R. Reaser (27<sup>th</sup> House District) and Senator Stella G. Pekarsky (36<sup>th</sup> Senate District)

## What the Bill Does:

Directs each school board to consider, for the purpose of increasing access to health care services for students, developing and implementing policies for permitting any public school student in the school division to schedule and participate in telehealth services, including mental health teletherapy services pursuant to a memorandum of understanding with a nationally recognized school-based telehealth provider developed in accordance with applicable law, on school property during regular school hours ***with parental consent***.

The bill requires any such policies developed and implemented by a school board to:

- (i) require each public elementary and secondary school to designate a location in the school for student use for such telehealth appointments and implement measures to ensure the safety and privacy of any student participating in a telehealth appointment,
- (ii) prohibit any student from being subject to any disciplinary measure or consequence for participating in a telehealth appointment during regular school hours if such student would not be subject to any disciplinary measure or consequence for an absence for the purpose of receiving any health care services in person during regular school hours, and
- (iii) include other requirements as the school board deems necessary and appropriate.

Finally, the bill requires any school board that develops and implements any policies for permitting students to schedule and participate in telehealth services pursuant to the bill to provide and post in a publicly accessible location on its website at the beginning of each school year guidance relating to the implementation of such policies for administrative and instructional personnel. This bill is a recommendation of the Joint Commission on Health Care.

## Why Does This Matter?

The bill is significant in addressing rural and underserved communities in Virginia, by integrating health care access within the school environment.

## How Does This Impact Students?

The implementation of this bill allows students to receive necessary health services without being absent from school, therefore, increasing instructional time and reducing barriers such as transportation issues and time constraints. This accessibility is important for early intervention and continuous care in mental health support for students. By increasing access to health services, it can positively impact students' well-being and academic performance.

## How Does This Impact School Divisions?

- If school divisions choose to provide telehealth services, it can increase access to mental health services in underserved or rural areas and offer more flexible support options to students and families. Also, school divisions will be presented with new responsibilities related to infrastructure, policy development, staff training, parent notifications, and additional costs for implementation.

## What Resources Are Available?

- [Student Services and Wraparound Supports webpage](#) (Virginia Department of Education) includes the Memorandum of Understanding Guidance of School Behavioral Health document, which provides a framework for developing Memorandums of Understandings with community mental health and telehealth providers.
- [Telehealth Resources for Providers](#) (Virginia Department of Behavioral Health and Developmental Services) provides behavioral health and guidelines and training resources for implementing telehealth services.
- The [State Telehealth Plan](#), (Virginia Department of Health) outlines strategies for integrating telehealth services across the state, including educational settings.
- [HIPAA and FERPA Crosswalk](#) (Center for Disease Control) is a joint guidance addressing the application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule to records maintained on students.

## What additional items will be released?

- The Virginia Department of Education Telehealth Statewide Contract, anticipated release by 09/01/2025.
- The Virginia Department of Education in consultation with the Department of Behavioral Health and Developmental Services and the Department of Medical Assistance Services will be updating the [Memorandum of Understanding Guidance for School Behavioral Health](#) to align with recent legislative requirements. Anticipated release is 08/01/2025.

## School Division Next Steps:

If school divisions choose to provide increased access to telehealth to students, schools should take the following next steps:

- Review the VDOE's *MOU Guidance of School Behavioral Health* and statewide telehealth contract.
- Develop and adopt school board policies that allow students to schedule and receive telehealth services, define parental consent procedures, and clarify the roles of school personnel in facilitating sessions.
- Educate parents about telehealth opportunities at the school and their rights as parents to ensure all families understand parental consent procedures and how to access services, if interested.
- Designate private, internet-connected spaces on school property for students to receive services confidentially and ensure compliance with HIPAA and FERPA regulations.
- Train school-based mental health staff and others on procedures, student safety during sessions, and making referrals as needed.
- Coordinate with qualified telehealth providers and ensure providers understand school procedures, communication protocols, and documentation requirements.
- Monitor and evaluate implementation by gathering feedback from students, families and providers to assess effectiveness and use rates, and updating procedures and policies in partnership with students and families based on evolving needs.

## Who is the VDOE Contact:

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