
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2110 Session of
2024

INTRODUCED BY N. NELSON, MADDEN, SANCHEZ, PARKER, HILL-EVANS,
KAZEEM, SCHLOSSBERG, CEPEDA-FREYTIZ, DALEY, DONAHUE, GREEN
AND OTTEN, MARCH 14, 2024

REFERRED TO COMMITTEE ON EDUCATION, MARCH 14, 2024

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in school safety and security,
6 providing for trauma-informed records program; and imposing a
7 penalty.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
11 as the Public School Code of 1949, is amended by adding a
12 section to read:

13 Section 1306.1-B. Trauma-informed records program.

14 (a) Trauma-informed records program establishment and
15 records maintenance.--A school entity that participates in the
16 School Safety and Security Grant Program established under
17 section 1306-B may establish a trauma-informed records program.
18 If a school entity opts to establish a trauma-informed records
19 program, the school entity shall maintain electronic records,
20 overseen by a mental health professional, in a format developed

1 by the Department of Education that includes information
2 relating to traumatic events and adverse childhood experiences
3 of a student, including:

4 (1) Information provided by a county or law enforcement
5 agency regarding a student.

6 (2) Information provided by a family-authorized medical
7 provider regarding a student.

8 (3) Information concerning in-school incidents regarding
9 a student that would prompt a call to a law enforcement
10 agency, behavioral health unit, mobile crisis unit, school
11 safety program or student support service such as a student
12 assistance program as defined in 22 Pa. Code § 12.16
13 (relating to definitions).

14 (4) Information provided by a behavioral health unit, a
15 mobile crisis unit, a school safety program or a student
16 support service such as a student assistance program as
17 defined in 22 Pa. Code § 12.16.

18 (5) A statement written by the school's certified school
19 counselor concerning the overall well-being of the student
20 that excludes confidential information.

21 (6) A summary of known triggers for the student that
22 induce symptoms of post-traumatic stress disorder relating to
23 previous exposure to trauma that excludes confidential
24 information provided by a behavioral health unit, mobile
25 crisis unit, school safety program, student support service
26 or family-authorized medical provider.

27 (7) A support plan detailing how a school entity will
28 care for the student regarding the history of exposure to
29 trauma and overall well-being of the student. The Department
30 of Education shall enforce the inclusion of a support plan by

1 a school entity that opts to establish a trauma-informed
2 records program.

3 (8) Any information voluntarily given by a parent or
4 guardian concerning a student.

5 (b) Administrator.--In the event a school entity does not
6 have a mental health professional employed, a school board may
7 select a currently employed school administrator to oversee the
8 trauma-informed records. A school administrator selected by the
9 school board shall undergo educational training relating to
10 trauma-informed approaches as outlined under section 1205.7, as
11 well as training relating to record management.

12 (c) Tiers of information.--The Department of Education, in
13 developing an electronic format for trauma-informed records,
14 shall classify information into the following three tiers:

15 (1) Tier one shall include all aspects of a student's
16 trauma-informed record, as well as the contact information of
17 any outside agency that has provided information to a school
18 entity concerning a traumatic event of a student.

19 (2) Tier two shall only include a summary of traumatic
20 events with a list of known triggers for a student that
21 induce post-traumatic stress disorder symptoms relating to
22 previous exposure to trauma. The summary shall include the
23 support plan for the student in place by the school entity
24 and exclude confidential information.

25 (3) Tier three shall only include a brief statement
26 concerning the overall well-being of a student.

27 (d) Use.--Information maintained in trauma-informed records
28 shall be utilized exclusively for usage purposes such as
29 assisting:

30 (1) A school entity in developing a trauma-informed

1 approach to support the student population.

2 (2) A school entity in developing instructional
3 approaches under section 1205.7.

4 (3) School officials as a part of the determination
5 process of in-school supports needed for a student.

6 (e) Restrictions on use.--Information maintained in a
7 trauma-informed record shall not be:

8 (1) used for determining whether or not a student is
9 admitted to a school, extracurricular activity or institute
10 of higher education; or

11 (2) subject to subpoena for a criminal matter or
12 permitted to be used in a juvenile criminal justice matter.

13 (f) Confidentiality.--A student's trauma-informed record
14 shall be confidential and the record content may only be
15 divulged if considered appropriate by the mental health
16 professional or the school administrator responsible for the
17 maintenance of the record and with parental agreement in some
18 instances. The following authorities shall have access to
19 request information within the records:

20 (1) The parent or guardian of a student for which the
21 school entity has maintained a record.

22 (2) School officials and professional employees. All
23 school officials or professional employees must have written
24 authorization by the certified school counselor or the school
25 administrator responsible for the maintenance of the records
26 in order to view a student's trauma-informed record. The
27 written authorization shall outline to which tier under
28 subsection (c) a school official or professional employee has
29 access. A school official or professional employee must
30 request access to a student's record each time access to the

1 record is required.

2 (3) A family-authorized medical provider. All family-
3 authorized medical providers must have written authorization
4 by the student's parent or guardian in order to view a
5 student's record.

6 (4) Cooperating county or law enforcement agencies. All
7 cooperating county and law enforcement agencies must have
8 written authorization by the student's parent or guardian in
9 order to view a student's record.

10 (5) The student for which a record has been maintained.

11 (g) Transfer.--When a student transfers to another grant-
12 funded school entity or grant-funded nonpublic school under this
13 article, a certified copy of the student's trauma-informed
14 record shall be transmitted to the school entity or nonpublic
15 school to which the student has transferred. The school entity
16 or nonpublic school to which the student has transferred shall
17 request the record. The sending school entity or nonpublic
18 school shall have 10 days from receipt of the request to supply
19 a certified copy of the student's record. The transfer of the
20 record shall be administered by the school counselors or school
21 administrator selected by the school boards of the respective
22 school entities or nonpublic schools.

23 (h) Retention.--If a school entity no longer receives grant
24 funding under this article or if a student no longer attends the
25 school entity, the school entity shall retain trauma-informed
26 records for no longer than two years after the discontinuation
27 of funding or disenrollment of the student. A school entity
28 shall destroy all trauma-informed records maintained by a school
29 entity in accordance with regulations promulgated by the
30 Department of Education two years after the discontinuation of

1 funding or disenrollment of the student.

2 (i) Record establishment.--A parent or guardian of a student
3 shall be notified of a trauma-informed record being established
4 for that student and shall either approve or reject the creation
5 of a trauma-informed record.

6 (j) Penalty.--Any individual who discloses a record deemed
7 confidential under this section, unless the individual is
8 authorized by this section, commits a misdemeanor of the third
9 degree.

10 (k) Definitions.--As used in this section, the following
11 words and phrases shall have the meanings given to them in this
12 subsection unless the context clearly indicates otherwise:

13 "Post-traumatic stress disorder." As defined in the
14 Diagnostic and Statistical Manual of Mental Disorders, 5th
15 Edition: DSM-5, 2013, published by the American Psychiatric
16 Association.

17 "Support plan." A detailed written document that specifies
18 the support services that are to be developed and provided to
19 the student, including information on the following:

20 (1) Services provided to the student.

21 (2) When the services shall be provided to the student.

22 (3) Manner in which services shall meet the needs of the
23 student.

24 (4) Individual providing services to the student.

25 "Trauma." The term includes results from an event, series of
26 events or set of circumstances that is experienced by an
27 individual as physically or emotionally harmful or threatening
28 and that has lasting adverse effects on the individual's
29 cognitive functioning and physical, social, emotional, mental or
30 spiritual well-being.

1 "Trauma-informed approach." Includes a school-wide approach
2 to education and a classroom-based approach to student learning
3 that recognizes the signs and symptoms of trauma and responds by
4 fully integrating knowledge about trauma into policies,
5 professional learning, procedures and practices for the purposes
6 of recognizing the presence and onset of trauma, resisting the
7 reoccurrence of trauma and promoting resiliency tailored to a
8 school entity's culture, climate and demographics and the
9 community as a whole.

10 "Trauma-informed record." A record of traumatic events as
11 established under this section.

12 "Traumatic event." The term includes an event or series of
13 events that causes physical, emotional or psychological harm and
14 has lasting adverse effects on the individual's cognitive
15 functioning and physical, social, emotional, mental or spiritual
16 well-being.

17 Section 2. This act shall take effect in 60 days.