

ESHB 1176 - S COMM AMD

By Committee on Early Learning & K-12 Education

ADOPTED 04/06/2021

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 28A.635.060 and 1997 c 266 s 13 are each amended to
4 read as follows:

5 (1) Any pupil who defaces or otherwise injures any school
6 property, or property belonging to a school contractor, employee, or
7 another student, ~~((is))~~ may be subject to suspension and punishment.
8 If any property of the school district, a contractor of the district,
9 an employee, or another student has been lost or willfully cut,
10 defaced, or injured, the school district may withhold the ~~((grades,))~~
11 diploma, ~~((and))~~ but not the grades or transcripts, of the ~~((pupil))~~
12 student responsible for the damage or loss until the ~~((pupil))~~
13 student or the ~~((pupil's))~~ student's parent or guardian has paid for
14 the damages. ~~((If the student is suspended, the student may not be~~
15 ~~readmitted until the student or parents or legal guardian has made~~
16 ~~payment in full or until directed by the superintendent of schools.~~
17 ~~If the property damaged is a school bus owned and operated by or~~
18 ~~contracted to any school district, a student suspended for the damage~~
19 ~~may not be permitted to enter or ride any school bus until the~~
20 ~~student or parent or legal guardian has made payment in full or until~~
21 ~~directed by the superintendent.))~~ When the ~~((pupil))~~ student and
22 parent or guardian are unable to pay for the damages, the school
23 district shall provide a program of ~~((voluntary work))~~ community
24 service for the ~~((pupil))~~ student in lieu of the payment of monetary
25 damages. Upon completion of ~~((voluntary work))~~ community service the
26 ~~((grades,))~~ diploma~~((, and transcripts))~~ of the ~~((pupil shall))~~
27 student must be released. The parent or guardian of ~~((such pupil))~~
28 the student shall be liable for damages as otherwise provided by law.

29 (2) Before ~~((any penalties are assessed))~~ the diploma is withheld
30 under this section, a school district board of directors shall adopt
31 procedures which insure that ~~((pupils'))~~ students' rights to due
32 process are protected.

1 (3) If the department of social and health services or a child-
2 placing agency licensed by the department has been granted custody of
3 a child, that child's records, if requested by the department or
4 agency, are not to be withheld for nonpayment of school fees or any
5 other reason.

6 (4) (a) Each school district that withholds a diploma under this
7 section shall publish and maintain the following information on its
8 website:

9 (i) The number of diplomas withheld under this section, by
10 graduating class, during the previous three school years; and

11 (ii) The number of students with withheld diplomas who were
12 eligible for free or reduced-price meals during their last two years
13 of enrollment in the school district.

14 (b) To the extent practicable, school districts must publish the
15 information required by this subsection (4) with the information
16 published under RCW 28A.325.050.

17 **Sec. 2.** RCW 28A.225.330 and 2020 c 167 s 8 are each amended to
18 read as follows:

19 (1) When enrolling a student who has attended school in another
20 school district, the school enrolling the student may request the
21 parent and the student to briefly indicate in writing whether or not
22 the student has:

23 (a) Any history of placement in special educational programs;

24 (b) Any past, current, or pending disciplinary action;

25 (c) Any history of violent behavior, or behavior listed in RCW
26 13.04.155;

27 (d) Any unpaid fines or fees imposed by other schools; and

28 (e) Any health conditions affecting the student's educational
29 needs.

30 (2) The school enrolling the student shall request the student's
31 permanent record including records of disciplinary action, history of
32 violent behavior or behavior listed in RCW 13.04.155, attendance,
33 immunization records, and academic performance from the school the
34 student previously attended. ~~((If the student has not paid a fine or~~
35 ~~fee under RCW 28A.635.060, or tuition, fees, or fines at approved~~
36 ~~private schools the school may withhold the student's official~~
37 ~~transcript, but shall transmit information about the student's~~
38 ~~academic performance, special placement, immunization records,~~
39 ~~records of disciplinary action, and history of violent behavior or~~

~~1 behavior listed in RCW 13.04.155. If the official transcript is not
2 sent due to unpaid tuition, fees, or fines, the enrolling school
3 shall notify both the student and parent or guardian that the
4 official transcript will not be sent until the obligation is met, and
5 failure to have an official transcript may result in exclusion from
6 extracurricular activities or failure to graduate.)~~)

7 (3) Upon request, school districts shall furnish a set of
8 unofficial educational records to a parent or guardian of a student
9 who is transferring out of state and who meets the definition of a
10 child of a military family in transition under Article II of RCW
11 28A.705.010. School districts may charge the parent or guardian the
12 actual cost of providing the copies of the records.

13 (4) If information is requested under subsection (2) of this
14 section, the information shall be transmitted within two school days
15 after receiving the request and the records shall be sent as soon as
16 possible. The records of a student who meets the definition of a
17 child of a military family in transition under Article II of RCW
18 28A.705.010 shall be sent within ten days after receiving the
19 request. Any school district or district employee who releases the
20 information in compliance with this section is immune from civil
21 liability for damages unless it is shown that the school district
22 employee acted with gross negligence or in bad faith. The
23 professional educator standards board shall provide by rule for the
24 discipline under chapter 28A.410 RCW of a school principal or other
25 chief administrator of a public school building who fails to make a
26 good faith effort to assure compliance with this subsection.

27 (5) Any school district or district employee who releases the
28 information in compliance with federal and state law is immune from
29 civil liability for damages unless it is shown that the school
30 district or district employee acted with gross negligence or in bad
31 faith.

32 (6) A school may not prevent a student who is dependent pursuant
33 to chapter 13.34 RCW from enrolling if there is incomplete
34 information as enumerated in subsection (1) of this section during
35 the ten business days that the department of social and health
36 services has to obtain that information under RCW 74.13.631. In
37 addition, upon enrollment of a student who is dependent pursuant to
38 chapter 13.34 RCW, the school district must make reasonable efforts
39 to obtain and assess that child's educational history in order to
40 meet the child's unique needs within two business days."

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1 On page 1, line 1 of the title, after "education;" strike the
2 remainder of the title and insert "and amending RCW 28A.635.060 and
3 28A.225.330."

EFFECT: Removes the ability of school districts to withhold grades and transcripts of a student who is responsible for damaging certain types of property. Removes the authority of public and private schools to withhold a transferring student's official transcript due to unpaid fines for damaging property or unpaid tuition, fees, or fines at an approved private school.

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