

# HOUSE BILL REPORT

## ESHB 1176

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### As Passed Legislature

**Title:** An act relating to access to higher education.

**Brief Description:** Concerning access to higher education.

**Sponsors:** House Committee on Education (originally sponsored by Representatives Paul, Boehnke, Kloba, Callan, Davis, Dolan, Riccelli, Bergquist, Lekanoff and Shewmake; by request of State Board for Community and Technical Colleges).

#### **Brief History:**

##### **Committee Activity:**

Education: 1/26/21, 2/4/21 [DPS].

##### **Floor Activity:**

Passed House: 2/24/21, 77-20.

Senate Amended.

Passed Senate: 4/6/21, 25-23.

House Concurred.

Passed House: 4/15/21, 58-40.

Passed Legislature.

#### **Brief Summary of Engrossed Substitute Bill**

- Removes the allowance for school districts to withhold the grades and transcripts of students who are responsible for damaging or losing school property, or property belonging to a contractor of the district, an employee, or another student.
- Removes the authority of public and private schools to withhold a transferring student's official transcript due to: an unpaid fine or fee for damaging or losing school property or property belonging to other specified parties; or unpaid tuition, fees, or fines at an approved private school.
- Requires school districts to post information on their websites about

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diplomas that were withheld because of unpaid penalties resulting from damaged or lost property.

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## HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Santos, Chair; Dolan, Vice Chair; Berg, Bergquist, Callan, Ortiz-Self and Stonier.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Walsh, Assistant Ranking Minority Member; McCaslin, McEntire, Rude and Steele.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Ybarra, Ranking Minority Member.

**Staff:** Ethan Moreno (786-7386).

### **Background:**

#### Property Damage by Students and Associated Penalties.

If school property, or property belonging to a contractor of the district, an employee, or another student, has been lost or willfully cut, defaced, or injured, the school district may withhold the grades, diploma, and transcripts of the student responsible for the damage or loss until the student or the student's parent or guardian has paid for the damages.

If the student and the student's parent or guardian are unable to pay for the damages, the school district must provide a program of voluntary work for the student in lieu of the payment of monetary damages. Upon completion of the voluntary work, the student's grades, diploma, and transcripts must be released. The student's parent or guardian is liable for damages as otherwise provided by law.

If the student is suspended, the student may not be readmitted to the school until the student or the student's parent or guardian has made payment in full or until directed by the superintendent of schools.

A student who is suspended for damaging a school district or contracted school bus may not enter or ride any school bus until the student or the student's parent or guardian has paid in full for the damages or until directed by the superintendent.

School districts may not assess penalties on a student for damaging or losing school property, or property belonging to a contractor, an employee, or another student, until the board of directors has adopted policies to ensure the protection of students' due process

rights.

Enrolling Students in Different Districts—Withholding Transcripts.

If a student who is enrolling in a different school has not paid a fine or fee for damaging or losing school property, or tuition, fees, or fines at an approved private school, the sending school may withhold the student's official transcript. The sending school, however, must transmit information about the student's academic performance, special placement, immunization records, records of disciplinary action, and history of violent behavior or other specified offense.

If the official transcript is withheld because of unpaid tuition, fees, or fines, the enrolling school must notify both the student and parent or guardian that the official transcript will not be sent until the financial obligation is met, and that failure to have an official transcript may result in failure to graduate or exclusion from extracurricular activities.

Free and Reduced Price Meals.

In order for students to qualify for free school meals, a student's family income must be at or below 130 percent of the federal poverty level. Students whose families have an income between 130 percent and 185 percent of the federal poverty level are eligible for reduced-price meals.

**Summary of Engrossed Substitute Bill:**

Property Damage by Students and Associated Penalties.

School districts may withhold the diplomas, but not the grades or transcripts, of students who are responsible for damaging or losing school property, or property belonging to a contractor of the district, an employee, or another student.

School and school bus readmittance requirements are modified. Provisions prohibiting school districts from readmitting students who have been suspended for property damage or loss until the students or the students' parents or guardians have made payments in full for the damages, or until directed by the superintendent of schools, are repealed. Provisions barring students who have damaged a school district or contracted school bus from entering or riding any school bus until the students or the students' parents or guardians have paid in full for the damages, or until directed by the superintendent, are also repealed.

Requirements for school district penalty policies related to student property damage and loss are modified. School districts may not withhold a student's diploma for damaging or losing school property or property belonging to a contractor, an employee, or another student, until the board of directors of the district has adopted policies to ensure the protection of students' due process rights.

Terminology changes are made. Statutory references to "pupil" are changed to "student," and references to "voluntary work" are changed to "community service."

Enrolling Students in Different Districts—Withholding Transcripts.

Public and private schools may no longer withhold a transferring student's official transcript due to: an unpaid fine or fee for damaging or losing school property or property belonging to other specified parties; or unpaid tuition, fees, or fines at an approved private school.

Posting Data on Withheld Diplomas.

School districts that withhold diplomas from students because of unpaid penalties for property that was damaged or lost by a student must post information on their websites indicating:

- the number of withheld diplomas, by graduating class, during the previous three school years; and
- the number of students with withheld diplomas who were eligible for free or reduced-price meals during their last two years in the school district.

In publishing this data, school districts must, to the extent practicable, publish the information with other information that districts are required publish.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill has been before the committee previously and has passed out of the House of Representatives with bipartisan support. This is an access and equity bill, and its supporters want to ensure that students can access higher education and earn a family wage. Lawmakers know that student discipline is often disproportionate. Lawmakers also want students to pay debts for property damage, but still allow them to earn a family wage.

Discrimination is a pillar of white supremacy. Current provisions allow children to be held for ransom because of property damage. The bill should be amended to prohibit the withholding of diplomas.

Fines and fees are a source of stress for many students and some become discouraged and cannot repay the penalties. This bill addresses equity issues, and barriers to success should be removed.

The withholding of transcripts primarily affects low-income students and disproportionately affects students of color. The fine and fee barrier does not exist for families of means. Transcripts are withheld for minor offenses and this creates a barrier to future success. This

bill allows districts to retain restitution options.

The inability to attain a high school transcript is a significant barrier to an adult earning a diploma. This bill will allow adults to earn diplomas more quickly.

(Opposed) None.

**Persons Testifying:** Representative Paul, prime sponsor; Gabrielle Gilbert; Joshua Lynch, Office of the Superintendent of Public Instruction; Da'Mea Birdsong, State Board for Community and Technical Colleges; Nicole Walker, South Puget Sound Community College; Carrie O'Brien, Green River College; and Katrina Bretsch, Yakima Valley Community College Open Doors.

**Persons Signed In To Testify But Not Testifying:** Troy Goracke, State Board for Community and Technical Colleges; Ben Akrish, Green River College; and Lucinda Young, Washington Education Association.