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**SUBSTITUTE HOUSE BILL 1176**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** House 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)

READ FIRST TIME 02/09/21.

1 AN ACT Relating to access to higher education; and amending RCW  
2 28A.635.060 and 28A.225.330.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

6 (1) Any pupil who defaces or otherwise injures any school  
7 property, or property belonging to a school contractor, employee, or  
8 another student, ~~((is))~~ may be subject to suspension and punishment.  
9 If any property of the school district, a contractor of the district,  
10 an employee, or another student has been lost or willfully cut,  
11 defaced, or injured, the school district may withhold the ~~((grades,))~~  
12 diploma, ~~((and))~~ but not the grades or transcripts, of the ~~((pupil))~~  
13 student responsible for the damage or loss until the ~~((pupil))~~  
14 student or the ~~((pupil's))~~ student's parent or guardian has paid for  
15 the damages. ~~((If the student is suspended, the student may not be  
16 readmitted until the student or parents or legal guardian has made  
17 payment in full or until directed by the superintendent of schools.  
18 If the property damaged is a school bus owned and operated by or  
19 contracted to any school district, a student suspended for the damage  
20 may not be permitted to enter or ride any school bus until the  
21 student or parent or legal guardian has made payment in full or until~~

1 ~~directed by the superintendent.~~) When the (~~pupil~~) student and  
2 parent or guardian are unable to pay for the damages, the school  
3 district shall provide a program of (~~voluntary work~~) community  
4 service for the (~~pupil~~) student in lieu of the payment of monetary  
5 damages. Upon completion of (~~voluntary work~~) community service the  
6 (~~grades,~~) diploma(~~, and transcripts~~) of the (~~pupil shall~~)  
7 student must be released. The parent or guardian of (~~such pupil~~)  
8 the student shall be liable for damages as otherwise provided by law.

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

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

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

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

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

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

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

31 (1) When enrolling a student who has attended school in another  
32 school district, the school enrolling the student may request the  
33 parent and the student to briefly indicate in writing whether or not  
34 the student has:

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

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

37 (c) Any history of violent behavior, or behavior listed in RCW  
38 13.04.155;

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

1 (e) Any health conditions affecting the student's educational  
2 needs.

3 (2) The school enrolling the student shall request the student's  
4 permanent record including records of disciplinary action, history of  
5 violent behavior or behavior listed in RCW 13.04.155, attendance,  
6 immunization records, and academic performance from the school the  
7 student previously attended. ~~((If the student has not paid a fine or  
8 fee under RCW 28A.635.060, or tuition, fees, or fines at approved  
9 private schools the school may withhold the student's official  
10 transcript, but shall transmit information about the student's  
11 academic performance, special placement, immunization records,  
12 records of disciplinary action, and history of violent behavior or  
13 behavior listed in RCW 13.04.155. If the official transcript is not  
14 sent due to unpaid tuition, fees, or fines, the enrolling school  
15 shall notify both the student and parent or guardian that the  
16 official transcript will not be sent until the obligation is met, and  
17 failure to have an official transcript may result in exclusion from  
18 extracurricular activities or failure to graduate.))~~

19 (3) Upon request, school districts shall furnish a set of  
20 unofficial educational records to a parent or guardian of a student  
21 who is transferring out of state and who meets the definition of a  
22 child of a military family in transition under Article II of RCW  
23 28A.705.010. School districts may charge the parent or guardian the  
24 actual cost of providing the copies of the records.

25 (4) If information is requested under subsection (2) of this  
26 section, the information shall be transmitted within two school days  
27 after receiving the request and the records shall be sent as soon as  
28 possible. The records of a student who meets the definition of a  
29 child of a military family in transition under Article II of RCW  
30 28A.705.010 shall be sent within ten days after receiving the  
31 request. Any school district or district employee who releases the  
32 information in compliance with this section is immune from civil  
33 liability for damages unless it is shown that the school district  
34 employee acted with gross negligence or in bad faith. The  
35 professional educator standards board shall provide by rule for the  
36 discipline under chapter 28A.410 RCW of a school principal or other  
37 chief administrator of a public school building who fails to make a  
38 good faith effort to assure compliance with this subsection.

39 (5) Any school district or district employee who releases the  
40 information in compliance with federal and state law is immune from

1 civil liability for damages unless it is shown that the school  
2 district or district employee acted with gross negligence or in bad  
3 faith.

4 (6) A school may not prevent a student who is dependent pursuant  
5 to chapter 13.34 RCW from enrolling if there is incomplete  
6 information as enumerated in subsection (1) of this section during  
7 the ten business days that the department of social and health  
8 services has to obtain that information under RCW 74.13.631. In  
9 addition, upon enrollment of a student who is dependent pursuant to  
10 chapter 13.34 RCW, the school district must make reasonable efforts  
11 to obtain and assess that child's educational history in order to  
12 meet the child's unique needs within two business days.

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