

# HOUSE BILL REPORT

## ESHB 1176

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### As Amended by the Senate

**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.

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

- Limits the ability of a school district to withhold the grades and transcript of a student who is responsible for damaging or losing specified property types to three years after the student exits the school district.
- Requires school districts, when informing the student or the student's parent or guardian that the student's grades, diploma, or transcripts are being withheld, to provide specified information about restitution options and the district's obligation to release the grades and transcripts after three years.
- Directs each school district that has an associated student body to publish information on its website related to the number and characteristics of people whose grades, diplomas, or transcripts were withheld due student property damage or loss during the previous three years.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

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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.

School districts may not assess penalties on a student for damaging 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.

#### Associated Student Body.

An associated student body (ASB) is a formal student organization at a school. An ASB is approved of and regulated by the school board. School districts with one or more ASB programs must publish certain information about each ASB fund on the school or school district website each year.

#### 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:**

### Limitation on Withholding Grades and Transcripts.

School districts that withhold the grades, diploma, or transcripts of a student who is responsible for damaging or losing school property, or property belonging to a contractor of the district, an employee, or another student, must release the student's grades and transcripts three years after the student exits the school district.

When informing either the student or the student's parent or guardian that the student's grades, diploma, or transcripts are being withheld, the school district must provide information indicating that:

- the school district may waive the payment of the monetary damage in part or in full;
- the student may make the payment of monetary damages;
- the student may participate in a program of community service opportunities for the student instead of the payment of monetary damages; and
- the school district must release the student's grades and transcript three years after the student exits the district. When the student has already exited the district, the school district must inform the student of the date on which the school district is obligated to release the student's grades and transcript.

### Associated Student Body Website Publishing.

Each school district that has an associated student body must publish the following information on its website:

- the number former students who were enrolled in the school district within the previous three years who are subject to the withholding of their grades, diplomas, or transcripts due to student property damage or loss; and
- the number of these students who were eligible for the Free or Reduced Price Meals Program in their last year of enrollment in the school district.

## **EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment restores the language adopted by the House Education Committee by making the following changes:

1. removing the authority of school districts to withhold the grades and transcripts (the authority to withhold diplomas is retained) of a student who is responsible for damaging or losing school property, or property belonging to a contractor of the district, an employee, or another student;
2. removing 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;
3. removing proposed provisions requiring school districts with associated student bodies to publish delineated information on their websites about withheld grades, diplomas, or transcripts resulting from damaged or lost property; and

4. requiring school districts to post information on their website's about diplomas that were withheld because of unpaid penalties resulting from damaged or lost property.

**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.