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Washington Office of Superintendent of
PUBLIC INSTRUCTION
Chris Reykdal, Superintendent

k12.wa.us

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() Action Required
(X) Informational

BULLETIN NO. 046-21 Special Programs & Federal Accountability

TO: Educational Service District Superintendents
School District Superintendents
School District Business Managers
School Principals
School Counselors

FROM: Chris Reykdal, Superintendent of Public Instruction

RE: Student Discipline Legislative Changes to the Withholding of Student Records

CONTACT: Joshua Lynch, Student Discipline and Behavior Program Supervisor
360-725-4969, joshua.lynch@k12.wa.us

PURPOSE/BACKGROUND

In accordance with RCW [28A.600.010](#), school districts must adopt policies and procedures regarding the substantive and procedural due process rights of students that are consistent with federal and state laws, including the Office of Superintendent of Public Instruction (OSPI) student discipline rules under [chapter 392-400 WAC](#).

This bulletin outlines changes to state law regarding due process protections districts must follow when responding to allegations of a student damaging or losing property. Districts may also refer to information on OSPI's [Student Discipline](#) webpage and the [Washington State School Directors' Association](#) (WSSDA) webpage.

Legislative Requirements

With passage of [HB 1176](#) (2021), RCW [28A.635.060](#) was amended to prohibit school districts from withholding a student's grades or transcripts in response to the student damaging or losing school property, or property belonging to a school contractor, employee, or another student. The bar on school districts withholding a student's grades or transcripts applies broadly, whether the student is seeking to enroll in other K-12 institutions or to pursue post-secondary opportunities.

RCW [28A.225.330](#) was also amended to remove reference to a corresponding requirement that information about any fines or fees related to a student losing or damaging property be provided to the school when a student enrolls in another district.

In accordance with RCW [28A.195.070](#), if a student previously attended a private school, the private school may withhold a student's official transcript for unpaid fines or fees, but must transmit information to the public school about the student's academic performance, special placement, immunization records, and discipline records.

A school district may continue to decide to withhold a student's diploma in response to a student damaging or losing property. However, a school district that withholds a student's diploma must publish and maintain the following information on its website:

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

These statutory provisions go into effect on July 25, 2021 and require districts to implement changes for the 2021–22 school year.

WSSDA Policy and Procedures

Based on the changes in law, WSSDA will update the following model policy and procedures before the July 25 effective date:

- 2420/2420P–Grading and Progress Reports
- 3231/3231P–Student Records
- 3520/3520P–Student Fees, Fines, or Charges
- 6800/6800P–Safety, Operations and Maintenance of School Property

Districts must ensure any adopted or revised local policies and procedures are consistent with WSSDA model policy and procedures 3241/3241P–Student Discipline, which were recently revised to support districts in ensuring equity in the administration of student discipline.

For more information about WSSDA's updated model discipline policy and procedures, refer to [OSPI Bulletin No. 022-21–Student Discipline Policy and Procedures Updates](#). For questions regarding WSSDA model policy and procedures, please contact [WSSDA Policy & Legal](#) staff.

INFORMATION AND ASSISTANCE

For questions regarding this bulletin, please contact Joshua Lynch, Student Discipline and Behavior Program Supervisor, at 360-725-4969, or email joshua.lynch@k12.wa.us. The OSPI TTY number is 360-664-3631.

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This bulletin is also available on the [Bulletins](#) page of the OSPI website.

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CR:jl

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