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**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1660**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Bergquist, Harris, Hudgins, Young, Tarleton, Ybarra, Slatter, Santos, Jinkins, Doglio, Fey, Leavitt, Ormsby, and Valdez)

AN ACT Relating to the participation of students who are low income in extracurricular activities; amending RCW 28A.325.010 and 28A.325.050; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28A.630 RCW; creating a new section; providing an effective date; and providing an expiration date.

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

NEW SECTION. **Sec.**  INTENT. (1) The legislature finds that:

(a) Interscholastic athletics and activities are a vital part of enriching students' educational experiences and developing students into responsible adults;

(b) Research supports the theory that students who participate in extracurricular activities have:

(i) Better grades and higher standardized test scores;

(ii) Increased school attendance;

(iii) Improved health and wellness; and

(iv) Positively enhanced educational experience;

(c) Many school districts require associated student body cards to participate in extracurricular activities and many school districts charge a fee for associated student body cards;

(d) Many school districts require a participation fee for some extracurricular activities; and

(e) The fees associated with obtaining associated student body cards and with participating in extracurricular activities may create an obstacle to participation in extracurricular activities by students who are low income.

(2) The legislature intends to reduce the obstacle to participation in extracurricular activities caused by the fees charged to students who are low income by creating equitable access to opportunities that improve academic, social, and emotional outcomes, collecting and analyzing data, and addressing barriers to extracurricular activities.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.320 RCW to read as follows:

DEFINITIONS.

The definitions in this section apply throughout sections 3 through 8 of this act and RCW 28A.325.050, unless the context clearly requires otherwise.

(1) "Associated student body executive board" means the student leadership group responsible for decision making related to the associated student body at a public school.

(2) "Extracurricular activities" means school-based athletic programs. "Extracurricular activities" may also include optional noncredit school clubs.

(3) "High school student" means a public school student enrolled in any of grades nine through twelve.

(4) "Students who are low income" means students who are eligible to participate in the federal free and reduced-price meals program or, if this data is unavailable, the college bound scholarship program under chapter 28B.118 RCW.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.320 RCW to read as follows:

DATA COLLECTION, PUBLISHING, AND REPORTING.

(1) Beginning April 1, 2020, and by April 1st annually thereafter, school districts must collect and report to the associated student body executive board the data related to students in possession of associated student body cards and student participation in school-based athletic programs as described in subsection (3) of this section. School districts with more than one high school must provide each high school's associated student body executive board only the data from each associated student body executive board's respective high school. This data must include at least two weeks of data from the beginning of spring athletics season.

(2) Beginning August 31, 2020, and by August 31st annually thereafter, school districts must collect and publish the data related to student possession of an associated student body card and student participation in school-based athletic programs described in subsection (3) of this section and as required under RCW 28A.325.050.

(3) Student possession of an associated student body card and student participation in school-based athletic programs data must include:

(a) The purchase amount of an associated student body card for high school students;

(b) The discounted purchase amount of an associated student body card for high school students who are low income;

(c) Athletic program participation fees and any discounted fees for high school students who are low income;

(d) The number of high school students who possess an associated student body card;

(e) The number of high school students participating in an athletic program;

(f) The opportunity gap for student possession of an associated student body card, as calculated under section 4 of this act;

(g) The opportunity gap for athletic program participation, as calculated under section 4 of this act;

(h) Whether the school district has met the opportunity gap goals described in sections 5 and 6 of this act; and

(i) The extracurricular activity opportunity gap reduction plan, as described in section 7 of this act, as applicable.

(4) Data collected, reported, and published as required under this section must be from the current school year.

(5) Although data on student participation in school clubs is not required under this section, high schools may include it at their discretion.

(6) School districts who do not enroll high school students are exempt from this section.

(7) Upon request from the superintendent of public instruction, school districts must provide a summary report of the data in this section.

(8) The superintendent of public instruction may adopt rules in accordance with chapter 34.05 RCW as necessary to implement this section.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.320 RCW to read as follows:

CALCULATION OF EXTRACURRICULAR ACTIVITY OPPORTUNITY GAPS.

(1) A school district must calculate the opportunity gap for student possession of an associated student body card as the difference between the percentage of high school students who are low income and who possess an associated student body card, and the percentage of high school students who are not low income and who possess an associated student body card.

(2)(a) A school district must calculate the opportunity gap for athletic program participation as the difference between the percentage of high school students who are low income and who participated in an athletic program, and the percentage of high school students who are not low income and who participated in an athletic program.

(b) Although the calculation is not required to use data on student participation in school clubs, high schools may include it at their discretion.

(3) School districts may elect to exclude the number of students who are low income and who are participating in the running start program, as defined in RCW 28A.600.300, when calculating opportunity gaps under this section.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.320 RCW to read as follows:

OPPORTUNITY GAP REDUCTION FOR POSSESSION OF AN ASSOCIATED STUDENT BODY CARD.

(1) If a high school does not require an associated student body card for participation in any extracurricular activities or to receive any student discounts, the goals in this section do not apply.

(2)(a) For a high school that requires an associated student body card for participation in school clubs, the goal is that fifty percent of high school students possess an associated student body card each school year.

(b) For a high school that requires an associated student body card for participation in school clubs and school-based athletics, the goal is that seventy percent of high school students possess an associated student body card each school year.

(3) For each high school, the opportunity gap for student possession of an associated student body card, as calculated under section 4 of this act, may not exceed the following goals:

(a) During the 2020-21 school year, the opportunity gap must be twenty or fewer percentage points;

(b) During the 2021-22 school year, the opportunity gap must be sixteen or fewer percentage points;

(c) During the 2022-23 school year, the opportunity gap must be twelve or fewer percentage points;

(d) During the 2023-24 school year, the opportunity gap must be eight or fewer percentage points; and

(e) During the 2024-25 school year, and for each subsequent school year, the opportunity gap must be five or fewer percentage points.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.320 RCW to read as follows:

OPPORTUNITY GAP REDUCTION FOR EXTRACURRICULAR ACTIVITY PARTICIPATION.

For each high school, the opportunity gap for extracurricular activity participation, as calculated under section 4 of this act, must not exceed the following goals:

(1) During the 2020-21 school year, the opportunity gap must be twenty or fewer percentage points;

(2) During the 2021-22 school year, the opportunity gap must be sixteen or fewer percentage points;

(3) During the 2022-23 school year, the opportunity gap must be twelve or fewer percentage points;

(4) During the 2023-24 school year, the opportunity gap must be eight or fewer percentage points; and

(5) During the 2024-25 school year, and for each subsequent school year, the opportunity gap must be five or fewer percentage points.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.320 RCW to read as follows:

EXTRACURRICULAR ACTIVITY OPPORTUNITY GAP REDUCTION PLAN.

(1)(a) Beginning June 1, 2021, and by June 1st annually thereafter, a school district with a high school that does not meet or exceed one or more of the opportunity gap reduction goals described in section 5 or 6 of this act, must develop, submit, and implement an extracurricular activity opportunity gap reduction plan, as required in this section.

(b) The plan must be formatted and submitted as directed by the office of the superintendent of public instruction.

(c) The plan must be published as required under RCW 28A.325.050.

(2)(a) When developing the plan, the school district shall review recommendations from the associated student body executive board.

(b) The plan must include at least one element from the list in subsection (3) of this section and must add an additional element from the list for each year that a high school in the school district does not meet one or more of the opportunity gap reduction goals described in section 5 or 6 of this act.

(3) The following policies or practices, if included in the plan, must be an enhancement or addition to policies or practices in place at the time of plan submission:

(a) A school district-developed policy or practice;

(b) Discounting the associated student body card fee for high school students who are low income;

(c) Promoting associated student body card possession and extracurricular activity participation for high school students, with an emphasis on students who are low income;

(d) Eliminating any requirement that school club members purchase an associated student body card;

(e) Applying for the promoting lively activities for youth (PLAY) grant program under section 8 of this act;

(f) Eliminating all fees charged to high school students who are low income for participating in extracurricular activities;

(g) Enhancing transportation options to and from extracurricular activities;

(h) For students for whom transportation is a barrier to participation in extracurricular activities, either reducing this barrier or providing means of remote participation;

(i) Scheduling extracurricular activities to meet during lunch time, when possible.

(4) The office of the superintendent of public instruction may review the plans submitted under this section and provide feedback and technical assistance to help school districts meet the requirements of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.300 RCW to read as follows:

PROMOTING LIVELY ACTIVITIES FOR YOUTH (PLAY) GRANT PROGRAM.

(1)(a) The promoting lively activities for youth (PLAY) grant program is created to subsidize school districts impacted by discounted associated student body card fees charged to high school students who are low income.

(b) The office of the superintendent of public instruction must administer the program.

(2)(a) Subject to the availability of amounts appropriated for this specific purpose and beginning in fiscal year 2021, the office of the superintendent of public instruction must allocate funding for the purposes of the promoting lively activities for youth grant program.

(b) Grant awards must be prioritized in the following order:

(i) Beginning in the 2021-22 school year, high schools that previously received a grant award under this section;

(ii) High schools implementing the United States department of agriculture community eligibility provision;

(iii) High schools with the highest percentage of students in grades nine through twelve eligible to participate in the federal free and reduced-price meals program; and

(iv) High schools located in school districts enrolling five thousand or fewer students.

(3) To qualify for a promoting lively activities for youth grant, a high school must:

(a) Either:

(i) Be implementing the United States department of agriculture community eligibility provision; or

(ii) Have greater than twenty-five percent of students in grades nine through twelve eligible to participate in the federal free and reduced-price meals program; and

(b) Be impacted by discounts on associated student body card fees charged to high school students who are low income.

(4) School district applications for a promoting lively activities for youth grant must include the following data for a qualifying high school:

(a) Either the high school's community eligibility provision percentage or the number and overall percentage of high school students who are eligible to participate in the federal free and reduced-price meals program;

(b) The number of high school students who possessed an associated student body card in the prior school year;

(c) An estimate of the total revenue lost in the current school year due to discounts on associated student body card fees discounted for students who are low income; and

(d) A description of how any grant award will be used in the coming year to discount associated student body card fees for students who are low income.

(5) Applications are due to the office of the superintendent of public instruction by June 1st each year and the office of the superintendent of public instruction must notify school districts of award decisions by August 10th.

(6) The maximum promoting lively activities for youth grant award is five thousand dollars per high school per year. For up to ten years, the office of the superintendent of public instruction may award a repeat grant recipient up to ten percent less than the grant recipient received in the prior school year, regardless of the number of associated student body card fees discounted for high school students who are low income.

(7) Schools and school districts that are not publishing associated student body program information and other information as required under RCW 28A.325.050 are ineligible to receive a promoting lively activities for youth grant under this section.

(8) By November 1, 2020, and by each November 1st thereafter, and in compliance with RCW 43.01.036, the office of the superintendent of public instruction must report to the appropriate policy and fiscal committees of the legislature the following data:

(a) The number of promoting lively activities for youth grant applications;

(b) A summary of the information submitted with the applications as required under subsection (4) of this section; and

(c) The number and amount of promoting lively activities for youth grants awarded.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.600 RCW to read as follows:

STREAMLINING FEE COLLECTION.

(1) The process for charging and collecting associated student body card fees, school-based athletic program fees, optional noncredit school club fees, and other fees from high school students who are low income must be identical to the process for charging and collecting fees from other students.

(2) The legislature recommends, but does not require, that the requirements under subsection (1) of this section are made applicable to students in grades six through eight.

**Sec.**  RCW 28A.325.010 and 1977 ex.s. c 170 s 1 are each amended to read as follows:

FEE WAIVER CLARIFICATION.

The board of directors of any common school district may establish and collect a fee from students and nonstudents as a condition to their attendance at, or participation in, any optional noncredit extracurricular event of the district which is of a cultural, social, recreational, or athletic nature: PROVIDED, That in so establishing such fee or fees, the district shall adopt regulations for waiving and reducing such fees ((~~in the cases of those students whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees~~)) for students who are eligible to participate in the federal free or reduced-price meals program and may likewise waive or reduce such fees for nonstudents of the age of sixty-five or over who, by reason of their low income, would have difficulty in paying the entire amount of such fees. An optional comprehensive fee may be established and collected for any combination or all of such events or, in the alternative, a fee may be established and collected as a condition to attendance at any single event. Fees collected pursuant to this section shall be deposited in the associated student body program fund of the school district, and may be expended to defray the costs of optional noncredit extracurricular events of such a cultural, social, recreational, or athletic nature, or to otherwise support the activities and programs of associated student bodies.

**Sec.**  RCW 28A.325.050 and 2014 c 211 s 3 are each amended to read as follows:

PUBLISHING OPPORTUNITY GAP PLANS AND DATA.

(1) Each school district that has an associated student body program fund must publish the following information about the fund on its web site:

(a) The fund balance at the beginning of the school year;

(b) Summary data about expenditures and revenues occurring over the course of the school year; and

(c) The fund balance at the end of the school year.

(2) Beginning in the 2019-20 school year, each school district that has an associated student body must publish the following information on its web site:

(a) Data related to high school student possession of an associated student body card and high school student participation in school-based extracurricular activities as required under section 3 of this act;

(b) The school district's extracurricular activity opportunity gap reduction plan if required under section 7 of this act; and

(c) A list of optional noncredit extracurricular event attendance and participation fees and the school district policy for waiving or reducing these fees as described under RCW 28A.325.010.

(3) The information under this section must be published for each associated student body of the district and each account within the associated student body program fund.

((~~(3)~~)) (4) If the school district web site contains separate web sites for schools in the district, the information under this section must be published on the web site of the applicable school of the associated student body.

((~~(4)~~)) (5) No later than August 31, 2014, school districts must publish the information under this section on their web sites for the 2012-13 and 2013-14 school years. School districts must add updated annual information to their web sites by each August 31st, except that school districts are only required to maintain the information on the web site from the previous five years.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.630 RCW to read as follows:

SCHOOL CLUB DATA COLLECTION PILOTS.

(1) The office of the superintendent of public instruction shall select four school districts that volunteer to pilot the collection, publishing, and reporting of data related to student participation in school clubs.

(2) During the duration of the pilot program described in this section, data on student participation in optional noncredit school-based athletic programs must be collected, published, and reported to the same extent as data on student participation in school-based athletic programs.

(3) By January 15, 2021, the office of the superintendent of public instruction, and the selected school districts, must collaborate to compile best practice guidance for collecting, publishing, and reporting data related to student participation in school clubs. The office of the superintendent of public instruction must post this best practice guidance on its web site and must distribute the guidance to school districts.

(4) This section expires August 31, 2021.

NEW SECTION. **Sec.**  Section 8 of this act takes effect September 1, 2019.

**--- END ---**