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**THIRD SUBSTITUTE HOUSE BILL 1660**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** House Education (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.600 RCW; and creating a new section.

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.**  DEFINITIONS. The definitions in this section apply throughout sections 3 through 7 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.**  DATA COLLECTION, PUBLISHING, AND REPORTING. (1) Beginning April 1, 2021, 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 described in subsection (3) of this section. An associated student body executive board must be provided with data from its high school only, and not with data from other high schools in the district. This data must include at least two weeks of data from the beginning of spring athletics season.

(2) Beginning April 15, 2021, and by April 15th annually thereafter, school districts must collect 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 publish the data 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 total number of high school students and the total number of high school students who are low income;

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

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

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

(e) The number of high school students who possess an associated student body card and the number of high school students who are both low income and possess an associated student body card;

(f) The number of high school students participating in an athletic program and the number of high school students who are both low income and participate in an athletic program;

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

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

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

(j) 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 that 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.**  CALCULATION OF EXTRACURRICULAR ACTIVITY OPPORTUNITY GAPS. (1) A school district must calculate the opportunity gap in student possession of an associated student body card by subtracting the percentage of high school students who are low income and who possess an associated student body card from 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 in athletic program participation by subtracting the percentage of high school students who are low income and who participated in an athletic program from the percentage of high school students who are not low income and who participated in an athletic program.

(b) Although the calculation described in (a) of this subsection (2) 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.**  GOALS FOR REDUCING THE OPPORTUNITY GAP IN 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 only, 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 in 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.**  GOALS FOR REDUCING THE OPPORTUNITY GAP IN EXTRACURRICULAR ACTIVITY PARTICIPATION. For each high school, the opportunity gap in 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.**  EXTRACURRICULAR ACTIVITY OPPORTUNITY GAP REDUCTION PLAN. (1) Beginning June 1, 2021, and by June 1st annually thereafter, a school district with a high school that does not meet or beat 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.

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

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

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

(5) 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.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 students in grades nine through twelve who are low income must be identical to the process for charging and collecting fees from other students in grades nine through twelve, except that the fee waivers described under RCW 28A.325.010 must be automatically applied where applicable.

(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 a policy and regulations for waiving fees for students who are eligible to participate in the federal free or reduced-price meals program and for 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 and may likewise waive or reduce such fees~~)) for students' family members and other 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 2020-21 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 collected 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 and 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) 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.~~)) (5) 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.

(6) For purposes of this section, the definitions in section 2 of this act apply.

NEW SECTION. **Sec.**  Sections 2 through 7 of this act are each added to chapter 28A.320 RCW under the subchapter heading "summer school, night school, extracurricular activities, and athletics."

**--- END ---**