

# HOUSE BILL REPORT

## E2SHB 1660

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### As Reported by House Committee On: Education

**Title:** An act relating to the participation of students who are low income in extracurricular activities.

**Brief Description:** Concerning the participation of students who are low income in extracurricular activities.

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

#### **Brief History:**

##### **Committee Activity:**

Education: 2/12/19, 2/18/19 [DPS], 1/13/20, 2/4/20 [DP3S].

#### **Brief Summary of Third Substitute Bill**

- Defines certain opportunity gap goals for high schools related to the difference in student possession of associated student body (ASB) cards and student participation in athletic programs between low-income students and other students.
- Requires that school districts with high schools that do not meet or exceed one or more of the opportunity gap goals develop, submit, and implement an extracurricular activities opportunity gap reduction plan.
- Requires that school districts with high schools collect and publish certain data related to student possession of ASB cards and student participation in athletic programs.
- Makes changes to optional noncredit extracurricular event fee provisions, for example, requires school boards that establish and collect extracurricular attendance or participation fees to establish a policy for waiving these fees for low-income students.
- Requires streamlining of the process for charging and collecting fees from high school students who are low income.

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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 a part of the legislation nor does it constitute a statement of legislative intent.*

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## HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by 13 members: Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Bergquist, Caldier, Callan, Harris, Ortiz-Self, Rude, Stonier, Thai, Valdez and Ybarra.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Corry.

**Staff:** Megan Wargacki (786-7194).

### **Background:**

Extracurricular Activities and Fees. Each school district board of directors has statutory authority to control, supervise, and regulate the conduct of interscholastic athletic and extracurricular activities for students of the district. Each school district board of directors also has statutory authority to establish and collect attendance fees for optional noncredit cultural, social, recreational, or athletic nature events. However, school districts are required to waive or reduce these fees for students whose families would have difficulty paying the entire amount of the fee. The school board may also establish and collect an optional comprehensive fee for attendance at one or more events.

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. Some ASBs allow their members to purchase an ASB card, which identifies the student as a member of the school. At some schools student possession of an ASB card is required for participation in some school-sponsored activities. An ASB card can often be used by a student to receive discounts, such as, on admission to home athletic games or dances, or the purchase of a year book.

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.

Related Publication Requirements. The 2019-21 Operating Budget directed the Office of the Superintendent of Public Instruction (OSPI) to do three things. First, the OSPI must publish, by December 30, 2020, a list of schools and districts that are not: (a) publishing certain ASB information on school district websites; or (b) waiving or reducing fees for optional noncredit extracurricular events for students whose families would have difficulty paying the entire amount of the fee.

Second, the OSPI must collaborate with ASB executive boards statewide regarding district policies to reduce the extracurricular opportunity gap.

And third, the OSPI must require that school districts publish on their websites school-level data related to ASB card fees, athletic program participation fees, the number of high school students who possess an ASB card, and the number of high school students participating in an athletic program, among other data. Data for the 2018-19 school year must be published by January 15, 2020, data for the 2019-20 school year must be published by April 15, 2020, and data for the 2020-21 school year must be published by April 15, 2021.

Free and Reduced-Price Meals. In order for students to qualify for free school meals, their family's 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.

The Community Eligibility Provision of the federal Healthy, Hunger-Free Kids Act provides an alternative to household applications for free or reduced price meals (FRPM) by allowing schools with high numbers of low-income students to serve free meals to all enrolled students.

Grants to Reduce Associated Student Body Fees. The 2019-21 Operating Budget provides \$250,000 in fiscal year 2021 to the OSPI to create and administer a grant program for school districts to reduce ASB fees for students who are eligible to participate in the FRPM program. The OSPI must distribute grants for the 2020-21 school year to school districts by August 10, 2020. Grants of \$5,000 per high school per year must be prioritized in the following order: (1) high schools implementing the Community Eligibility Provision; (2) high schools with the highest percentage of students eligible to participate in the FRPM program; and (3) high schools located in school districts enrolling 5,000 or fewer students. The OSPI may award additional funding if the appropriations provided are greater than the total amount of funding requested at the end of the application cycle and an applicant shows a demonstrated need for additional support.

College Bound Scholarship Program. The College Bound Scholarship (CBS) program provides guaranteed four-year tuition to students from low-income families. Eligible students for the CBS include those who: (a) qualify for FRPM in grade 7; (b) are dependent on the state for care and are either in grades 7 through 12 or are between the ages of 18 and 21 and have not graduated from high school; or (c) are dependent and were adopted between the ages of 14 and 18 with an adoption agreement that continues eligibility for the CBS program. There are additional requirements for receiving the CBS.

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### **Summary of Third Substitute Bill:**

Definitions. The following terms are defined:

- "Associated student body executive board" means the student leadership group responsible for decision-making related to the associated student body (ASB) at a public school.
- "Extracurricular activities" means school-based athletic programs. It may also include optional noncredit school clubs.

- "High school student" means a public school student enrolled in any of grades 9 through 12.
- "Students who are low income" means students who are eligible to participate in the Free and Reduced-Price Meals Program (FRPM) or, if this data is unavailable, the College Bound Scholarship Program.

Data Collection, Reporting, and Publishing. Beginning April 1, 2021, and by April 1 annually thereafter, school districts with high schools must collect and report to the ASB executive board data related to students in possession of ASB cards and student participation in school-based athletic programs as described below. An ASB executive board must be provided with data from its high school only, and not with data from other high schools in the district. Beginning August 31, 2020, and by August 31 annually thereafter, school districts with high schools must collect and publish the data on their ASB website.

The data elements required to be collected, reported, and published are specified, examples include:

- the purchase amount of an ASB card for high school students and the discounted purchase amount for students who are low income;
- athletic program participation fees for high school students and any discounted fees for students who are low income;
- the number of high school students who possess an ASB card and the number participating in an athletic program;
- the opportunity gaps calculated as described below, and whether the school district has met the opportunity gap goals described below; and
- if required, the school district's extracurricular activity opportunity gap reduction plan.

Upon request from the Office of the Superintendent of Public Instruction (OSPI), school districts must provide a summary report of the collected data.

Calculation of Opportunity Gaps in Possession of an Associated Student Body Card and Participation in Athletic Programs. A school district must calculate the opportunity gap in student possession of an ASB card by subtracting the percentage of high school students who are low income and who possess an ASB card, from the percentage of high school students who are not low income and who possess an ASB card.

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

School districts may elect to exclude the number of students who are low income and who are participating in the Running Start Program (a program where high school students take classes on college campuses for dual credit) when calculating opportunity gaps.

Opportunity Gap Reduction Goals. High schools must meet specified goals for student possession of ASB cards and student participation in athletic activities, such as:

- for a high school that requires an ASB card only for participation in school clubs, the goal is that 50 percent of high school students possess an ASB card each school year;
- for a high school that requires an ASB card for participation in school clubs and school-based athletics, the goal is that 70 percent of high school students possess an ASB card each school year;
- for high schools that require an ASB card for participation in any extracurricular activities or to receive any student discounts, the goal for the opportunity gap for student possession of an ASB card reduces from 20 percentage points in the 2020-21 school year to 5 percentage points beginning in the 2024-25 school year; and
- for all high schools, the goal for the opportunity gap in extracurricular activity participation reduces from 20 percentage points in the 2010-21 school year to 5 percentage points beginning in the 2024-25 school year.

Extracurricular Activity Opportunity Gap Reduction Plan. Beginning June 1, 2021, and by June 1 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 above must develop, submit, and implement an extracurricular activity opportunity gap reduction plan.

When developing the plan, the school district must review recommendations from the ASB executive board. The plan must be published on the high school's ASB website. The OSPI may review the plans and provide feedback and technical assistance to help school districts meet these requirements.

Fees and Fee Waivers for Optional Noncredit Extracurricular Events. A number of changes are made to optional noncredit extracurricular event fee provisions: (1) permits school boards to establish and collect participation fees, in addition to attendance fees; (2) requires school boards that establish and collect attendance or participation fees to establish a policy, in addition to regulations, for waiving and reducing these fees; (3) specifies that the policy and regulations for students who are eligible to participate in the FRPM program must be fee waiver, not fee reduction; (4) provides that the policy and regulations for reducing fees applies to student's family members; and (5) requires that a list of extracurricular event attendance and participation fees and the policy for waiving and reducing these fees be published on the ASB website.

Streamlining Fee Collection. The process for charging and collecting ASB card fees, school-based extracurricular activities 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, except that the student fee waivers must be automatically applied where applicable.

Fee Waivers. In addition to attendance fees, a school board may establish and collect participation fees for any optional noncredit extracurricular event of the district. For both attendance and participation fees, the school board must waive and reduce the fees for students who are eligible to participate in the FRPM program (rather than in cases of students whose families, by reason of their low income, would have difficulty paying the entire amount of the fee).

### **Third Substitute Bill Compared to Engrossed Second Substitute Bill:**

The third substitute makes the following changes:

- removes provisions establishing the Promoting Lively Activities for Youth Grant Program;
- removes provisions related to a pilot program for collecting, publishing, and reporting school club data;
- eliminates the requirement that school district opportunity gap reduction plans include one or more of the listed policies and practices;
- makes the following changes to requirements for a school board that establishes and collects fees for attendance at, or participation in, extracurricular events:
  - adds that the school board must adopt a policy, in addition to regulations, for waiving and reducing these fees;
  - specifies that the policy and regulations for students who are eligible to participate in the federal free or reduced-price meals (FRPM) program must be fee waiver, not fee reduction; and
  - provides that the policy and regulations for reducing fees apply to students' family members;
- provides that fee waivers for students who are eligible to participate in the federal FRPMs program be automatically applied when a school district charges and collects associated student body (ASB) card fees, school-based athletic program, fees, and optional noncredit school club fees;
- delays statutory implementation of data collection, publishing, and reporting by approximately one year;
- adds to the data collection, publishing, and reporting requirements the total number of high school students, the total number of high school students who are low income, the number of high school students who are both low income and possess an ASB card, and the number of high school students who are both low income and participate in an athletic program; and
- makes nonsubstantive changes to improve readability and improve consistency between sections.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Third Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

#### **Staff Summary of Public Testimony:**

(In support) Opportunities for prosocial involvement are important for healthy youth development. It helps students develop confidence, perseverance, and work ethic. Participation in meaningful activities at school reduces problem behaviors. Compared to nonparticipating peers, participants in extracurricular activities are half as likely to earn poor grades, significantly less likely to use drugs, and significantly less likely to experience

depressive symptoms. Many families are priced out of participation. Sixty-four percent of high school students who do not receive free or reduced-price meals (FRPMs) participate in extracurricular activities, compared with 49 percent of students who do receive FRPMs. A recent study in King County examined youth access to physical activity through organized sport and outdoor recreation. This study found that low-income students and students who do not speak English at home get less physical activity and are significantly less likely to have ever participated in an organized sport. Students and their families report that cost is a major barrier. Schools are in a unique position to be an equitable and low-cost access point for extracurricular activities. Students should be able to fully participate in sports despite their financial status, otherwise they miss out on an opportunity for success. Removing barriers so that more youth can benefit from prosocial involvement is an important step in helping all youth thrive.

Many schools do not know that they are required to have a policy to waive or reduce fees for low-income students. It is not okay to waive and reduce fees on a case-by-case basis; there needs to be a policy in place to ensure equity. Some schools do not require an Associate Student Body (ASB) card for participation in school clubs but do require an ASB card for participation in school sports. Many students in these schools who participate in school clubs do not purchase an ASB card and so may not participate in school sports.

Many schools are not aware of their extracurricular activity opportunity gaps and lots of work is left to be done to improve policies so that low-income students become involved in school athletics and school clubs. Data collection and a grant program were funded in the 2019-21 Operating Budget. The first set of data is expected this week. The data will be analyzed and used to improve the bill.

The policy in this bill aligns with the state's mission to transform the educational system into one that is centered around closing opportunity gaps. It is important to analyze data and find ways to increase access to extracurricular activities.

(Opposed) None.

**Persons Testifying:** Representative Bergquist, prime sponsor; Gabriel Anselmo; Rafael Anselmo; Jenny Plaja, Office of the Superintendent of Public Instruction; and Julie McCleery, University of Washington.

**Persons Signed In To Testify But Not Testifying:** None.