

CERTIFICATION OF ENROLLMENT
THIRD SUBSTITUTE HOUSE BILL 1660

Chapter 13, Laws of 2020

66th Legislature
2020 Regular Session

EXTRACURRICULAR ACTIVITIES--PARTICIPATION BY LOW INCOME STUDENTS

EFFECTIVE DATE: June 11, 2020

Passed by the House February 12, 2020
Yeas 67 Nays 28

LAURIE JINKINS

Speaker of the House of Representatives

Passed by the Senate March 3, 2020
Yeas 41 Nays 8

CYRUS HABIB

President of the Senate

Approved March 18, 2020 10:16 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **THIRD SUBSTITUTE HOUSE BILL 1660** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 18, 2020

**Secretary of State
State of Washington**

THIRD SUBSTITUTE HOUSE BILL 1660

Passed Legislature - 2020 Regular Session

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)

READ FIRST TIME 02/07/20.

1 AN ACT Relating to the participation of students who are low
2 income in extracurricular activities; amending RCW 28A.325.010 and
3 28A.325.050; adding new sections to chapter 28A.320 RCW; adding a new
4 section to chapter 28A.600 RCW; and creating a new section.

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

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

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

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

12 (i) Better grades and higher standardized test scores;

13 (ii) Increased school attendance;

14 (iii) Improved health and wellness; and

15 (iv) Positively enhanced educational experience;

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

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

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

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

11 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
12 section apply throughout sections 3 through 7 of this act and RCW
13 28A.325.050 unless the context clearly requires otherwise.

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

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

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

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

26 NEW SECTION. **Sec. 3.** DATA COLLECTION, PUBLISHING, AND
27 REPORTING. (1) Beginning April 1, 2021, and by April 1st annually
28 thereafter, school districts must collect and report to the
29 associated student body executive board the data related to students
30 in possession of associated student body cards and student
31 participation in school-based athletic programs described in
32 subsection (3) of this section. An associated student body executive
33 board must be provided with data from its high school only, and not
34 with data from other high schools in the district. This data must
35 include at least two weeks of data from the beginning of spring
36 athletics season.

37 (2) Beginning April 15, 2021, and by April 15th annually
38 thereafter, school districts must collect the data related to student

1 possession of an associated student body card and student
2 participation in school-based athletic programs described in
3 subsection (3) of this section and publish the data as required under
4 RCW 28A.325.050.

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

8 (a) The total number of high school students and the total number
9 of high school students who are low income;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 NEW SECTION. **Sec. 4.** CALCULATION OF EXTRACURRICULAR ACTIVITY
5 OPPORTUNITY GAPS. (1) A school district must calculate the
6 opportunity gap in student possession of an associated student body
7 card by subtracting the percentage of high school students who are
8 low income and who possess an associated student body card from the
9 percentage of high school students who are not low income and who
10 possess an associated student body card.

11 (2)(a) A school district must calculate the opportunity gap in
12 athletic program participation by subtracting the percentage of high
13 school students who are low income and who participated in an
14 athletic program from the percentage of high school students who are
15 not low income and who participated in an athletic program.

16 (b) Although the calculation described in (a) of this subsection
17 (2) is not required to use data on student participation in school
18 clubs, high schools may include it at their discretion.

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

23 NEW SECTION. **Sec. 5.** GOALS FOR REDUCING THE OPPORTUNITY GAP IN
24 POSSESSION OF AN ASSOCIATED STUDENT BODY CARD. (1) If a high school
25 does not require an associated student body card for participation in
26 any extracurricular activities or to receive any student discounts,
27 the goals in this section do not apply.

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

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

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

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

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

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

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

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

12 NEW SECTION. **Sec. 6.** GOALS FOR REDUCING THE OPPORTUNITY GAP IN
13 EXTRACURRICULAR ACTIVITY PARTICIPATION. For each high school, the
14 opportunity gap in extracurricular activity participation, as
15 calculated under section 4 of this act, must not exceed the following
16 goals:

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

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

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

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

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

28 NEW SECTION. **Sec. 7.** EXTRACURRICULAR ACTIVITY OPPORTUNITY GAP
29 REDUCTION PLAN. (1) Beginning June 1, 2021, and by June 1st annually
30 thereafter, a school district with a high school that does not meet
31 or beat one or more of the opportunity gap reduction goals described
32 in section 5 or 6 of this act must develop, submit, and implement an
33 extracurricular activity opportunity gap reduction plan.

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

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

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

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

5 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.600
6 RCW to read as follows:

7 STREAMLINING FEE COLLECTION. (1) The process for charging and
8 collecting associated student body card fees, school-based athletic
9 program fees, optional noncredit school club fees, and other fees
10 from students in grades nine through twelve who are low income must
11 be identical to the process for charging and collecting fees from
12 other students in grades nine through twelve, except that the fee
13 waivers described under RCW 28A.325.010 must be automatically applied
14 where applicable.

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

18 **Sec. 9.** RCW 28A.325.010 and 1977 ex.s. c 170 s 1 are each
19 amended to read as follows:

20 FEE WAIVER CLARIFICATION. The board of directors of any common
21 school district may establish and collect a fee from students and
22 nonstudents as a condition to their attendance at, or participation
23 in, any optional noncredit extracurricular event of the district
24 which is of a cultural, social, recreational, or athletic nature:
25 PROVIDED, That in ~~((se))~~ establishing such fee or fees, the district
26 shall adopt a policy and regulations for waiving fees for students
27 who are eligible to participate in the federal free or reduced-price
28 meals program and for reducing ~~((such))~~ fees ~~((in the cases of those~~
29 ~~students whose families, by reason of their low income, would have~~
30 ~~difficulty in paying the entire amount of such fees and may likewise~~
31 ~~waive or reduce such fees))~~ for students' family members and other
32 nonstudents of the age of sixty-five or over who, by reason of their
33 low income, would have difficulty in paying the entire amount of such
34 fees. An optional comprehensive fee may be established and collected
35 for any combination or all of such events or, in the alternative, a
36 fee may be established and collected as a condition to attendance at
37 any single event. Fees collected pursuant to this section shall be
38 deposited in the associated student body program fund of the school

1 district, and may be expended to defray the costs of optional
2 noncredit extracurricular events of such a cultural, social,
3 recreational, or athletic nature, or to otherwise support the
4 activities and programs of associated student bodies.

5 **Sec. 10.** RCW 28A.325.050 and 2014 c 211 s 3 are each amended to
6 read as follows:

7 PUBLISHING OPPORTUNITY GAP PLANS AND DATA. (1) Each school
8 district that has an associated student body program fund must
9 publish the following information about the fund on its web site:

- 10 (a) The fund balance at the beginning of the school year;
11 (b) Summary data about expenditures and revenues occurring over
12 the course of the school year; and
13 (c) The fund balance at the end of the school year.

14 (2) Beginning in the 2020-21 school year, each school district
15 that has an associated student body must publish the following
16 information on its web site:

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

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

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

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

29 ~~((3))~~ (4) If the school district web site contains separate web
30 sites for schools in the district, the information under this section
31 must be published on the web site of the applicable school of the
32 associated student body.

33 ~~((4) No later than August 31, 2014, school districts must~~
34 ~~publish the information under this section on their web sites for the~~
35 ~~2012-13 and 2013-14 school years.))~~ (5) School districts must add

36 updated annual information to their web sites by each August 31st,
37 except that school districts are only required to maintain the
38 information on the web site from the previous five years.

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

3 NEW SECTION. **Sec. 11.** Sections 2 through 7 of this act are each
4 added to chapter 28A.320 RCW under the subchapter heading "summer
5 school, night school, extracurricular activities, and athletics."

Passed by the House February 12, 2020.

Passed by the Senate March 3, 2020.

Approved by the Governor March 18, 2020.

Filed in Office of Secretary of State March 18, 2020.

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