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**SUBSTITUTE HOUSE BILL 1660**

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**State of Washington**

**66th Legislature**

**2019 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 02/20/19.

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.300 RCW; adding a new section to chapter  
5 28A.600 RCW; adding a new section to chapter 28A.630 RCW; creating a  
6 new section; providing an effective date; and providing an expiration  
7 date.

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

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

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

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

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

16 (ii) Increased school attendance;

17 (iii) Improved health and wellness; and

18 (iv) Positively enhanced educational experience;

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

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

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

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

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320  
14 RCW to read as follows:

15 DEFINITIONS. The definitions in this section apply throughout  
16 sections 3 through 9 of this act, unless the context clearly requires  
17 otherwise.

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

21 (2) "Extracurricular activities" means any optional noncredit  
22 school clubs and school-based athletic programs.

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

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

29 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.320  
30 RCW to read as follows:

31 DATA COLLECTION, PUBLISHING, AND REPORTING. (1) Beginning April  
32 1, 2020, and by April 1st annually thereafter, school districts must  
33 collect and report to the associated student body executive board the  
34 data related to students in possession of associated student body  
35 cards and student participation in school-based extracurricular  
36 activities as described in subsection (3) of this section. School  
37 districts with more than one high school must provide each high  
38 school's associated student body executive board only the data from

1 each associated student body executive board's respective high  
2 school. This data must include at least two weeks of data from the  
3 beginning of spring athletics season.

4 (2) Beginning August 31, 2020, and by August 31st annually  
5 thereafter, school districts must collect and publish the data  
6 related to student possession of an associated student body card and  
7 student participation in school-based extracurricular activities  
8 described in subsection (3) of this section and as required under RCW  
9 28A.325.050.

10 (3) Except as provided in subsection (5) of this section, student  
11 possession of an associated student body card and student  
12 participation in school-based extracurricular activities data must  
13 include:

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

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

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

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

22 (e) The number of high school students participating in an  
23 extracurricular activity;

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

26 (g) The opportunity gap for extracurricular activity  
27 participation, as calculated under section 4 of this act;

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

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

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

34 (5) During the 2019-20 and 2020-21 school years, student  
35 participation in extracurricular activities data required under  
36 subsection (3) of this section must only include data on student  
37 participation in school-based athletic programs. Although data on  
38 student participation in school clubs is not required, high schools  
39 may include it at their discretion.

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

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

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

9 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.320  
10 RCW to read as follows:

11 CALCULATION OF EXTRACURRICULAR ACTIVITY OPPORTUNITY GAPS. (1) A  
12 school district must calculate the opportunity gap for student  
13 possession of an associated student body card as the difference  
14 between the percentage of high school students who are low income and  
15 who possess an associated student body card, and the percentage of  
16 high school students who are not low income and who possess an  
17 associated student body card.

18 (2)(a) Except as provided in (b) of this subsection, a school  
19 district must calculate the opportunity gap for extracurricular  
20 activity participation as the difference between the percentage of  
21 high school students who are low income and who participated in an  
22 extracurricular activity, and the percentage of high school students  
23 who are not low income and who participated in an extracurricular  
24 activity.

25 (b) During the 2019-20 and 2020-21 school years, the opportunity  
26 gap for extracurricular activity participation calculation under (a)  
27 of this subsection must only include data on student participation in  
28 school-based athletic programs. Although the calculation is not  
29 required to use data on student participation in school clubs, high  
30 schools may include it at their discretion.

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

35 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.320  
36 RCW to read as follows:

37 OPPORTUNITY GAP REDUCTION FOR POSSESSION OF AN ASSOCIATED STUDENT  
38 BODY CARD. (1) If a high school does not require an associated

1 student body card for participation in any extracurricular activities  
2 or to receive any student discounts, the goals in this section do not  
3 apply.

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

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

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

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

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

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

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

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

26 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.320  
27 RCW to read as follows:

28 OPPORTUNITY GAP REDUCTION FOR EXTRACURRICULAR ACTIVITY  
29 PARTICIPATION. For each high school, the opportunity gap for  
30 extracurricular activity participation, as calculated under section 4  
31 of this act, must not exceed the following goals:

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

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

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

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

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

4 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.320  
5 RCW to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

37 (g) Creating an activities coordinator position at the school or  
38 school district level;

1 (h) Increasing the release time of the activities coordinator to  
2 equal that of the school or school district athletic director;

3 (i) Enhancing transportation options to and from extracurricular  
4 activities;

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

8 (k) Scheduling extracurricular activities to meet during high  
9 school hours.

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

14 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.300  
15 RCW to read as follows:

16 PROMOTING LIVELY ACTIVITIES FOR YOUTH (PLAY) GRANT PROGRAM.

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

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

23 (2)(a) Subject to the availability of amounts appropriated for  
24 this specific purpose and beginning in fiscal year 2021, the office  
25 of the superintendent of public instruction must allocate up to two  
26 hundred fifty thousand dollars per school year for the purposes of  
27 the promoting lively activities for youth grant program.

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

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

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

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

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

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

1 (a) Either:  
2 (i) Be implementing the United States department of agriculture  
3 community eligibility provision; or  
4 (ii) Have greater than twenty-five percent of students in grades  
5 nine through twelve eligible to participate in the federal free and  
6 reduced-price meals program; and  
7 (b) Be impacted by discounts on associated student body card fees  
8 charged to high school students who are low income.  
9 (4) School district applications for a promoting lively  
10 activities for youth grant must include the following data for a  
11 qualifying high school:  
12 (a) Either the high school's community eligibility provision  
13 percentage or the number and overall percentage of high school  
14 students who are eligible to participate in the federal free and  
15 reduced-price meals program;  
16 (b) The number of high school students who possessed an  
17 associated student body card in the prior school year;  
18 (c) An estimate of the total revenue lost in the current school  
19 year due to discounts on associated student body card fees discounted  
20 for students who are low income; and  
21 (d) A description of how any grant award will be used in the  
22 coming year to discount associated student body card fees for  
23 students who are low income.  
24 (5) Applications are due to the office of the superintendent of  
25 public instruction by June 1st each year and the office of the  
26 superintendent of public instruction must notify school districts of  
27 award decisions by August 10th.  
28 (6) The maximum promoting lively activities for youth grant award  
29 is five thousand dollars per high school per year. For up to ten  
30 years, the office of the superintendent of public instruction may  
31 award a repeat grant recipient up to ten percent less than the grant  
32 recipient received in the prior school year, regardless of the number  
33 of associated student body card fees discounted for high school  
34 students who are low income.  
35 (7) Schools and school districts that are not publishing  
36 associated student body program information and other information as  
37 required under RCW 28A.325.050 are ineligible to receive a promoting  
38 lively activities for youth grant under this section.  
39 (8) By November 1, 2020, and by each November 1st thereafter, and  
40 in compliance with RCW 43.01.036, the office of the superintendent of

1 public instruction must report to the appropriate policy and fiscal  
2 committees of the legislature the following data:

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

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

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

9 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.600  
10 RCW to read as follows:

11 STREAMLINING FEE COLLECTION. (1) The process for charging and  
12 collecting associated student body card fees, school-based  
13 extracurricular activities fees, and other fees from high school  
14 students who are low income must be identical to the process for  
15 charging and collecting fees from other students.

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

19 **Sec. 10.** RCW 28A.325.010 and 1977 ex.s. c 170 s 1 are each  
20 amended to read as follows:

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

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

5 **Sec. 11.** 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 2019-20 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 as required under section 3  
20 of 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 or  
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))~~ (5) 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. School districts must add updated  
36 annual information to their web sites by each August 31st, except  
37 that school districts are only required to maintain the information  
38 on the web site from the previous five years.

1        NEW SECTION.    **Sec. 12.**    A new section is added to chapter 28A.630  
2    RCW to read as follows:

3        SCHOOL CLUB DATA COLLECTION PILOTS.    (1)    The office of the  
4    superintendent of public instruction shall select four school  
5    districts that volunteer to pilot the collection, publishing, and  
6    reporting of data related to student participation in school clubs.

7        (2)    For the purpose of collecting, publishing, and reporting data  
8    as required under section 3 of this act, during the duration of the  
9    pilot program described in this section, "extracurricular activities"  
10    means any optional noncredit school-based athletic programs.

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

18        (4)    This section expires August 31, 2021.

19        NEW SECTION.    **Sec. 13.**    Section 8 of this act takes effect  
20    September 1, 2019.

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