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**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)

READ FIRST TIME 03/01/19.

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 8 of this act and RCW 28A.325.050, unless the  
17 context clearly requires 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 school-based athletic  
22 programs. "Extracurricular activities" may also include optional  
23 noncredit school clubs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (7) Upon request from the superintendent of public instruction,  
39 school districts must provide a summary report of the data in this  
40 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.** A new section is added to chapter 28A.320  
5 RCW to read as follows:

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

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

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

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

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

28 OPPORTUNITY GAP REDUCTION FOR POSSESSION OF AN ASSOCIATED STUDENT  
29 BODY CARD. (1) If a high school does not require an associated  
30 student body card for participation in any extracurricular activities  
31 or to receive any student discounts, the goals in this section do not  
32 apply.

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

37 (b) For a high school that requires an associated student body  
38 card for participation in school clubs and school-based athletics,

1 the goal is that seventy percent of high school students possess an  
2 associated student body card each school year.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 EXTRACURRICULAR ACTIVITY OPPORTUNITY GAP REDUCTION PLAN. (1)(a)  
37 Beginning June 1, 2021, and by June 1st annually thereafter, a school  
38 district with a high school that does not meet or exceed one or more

1 of the opportunity gap reduction goals described in section 5 or 6 of  
2 this act, must develop, submit, and implement an extracurricular  
3 activity opportunity gap reduction plan, as required in this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.300

2 RCW to read as follows:

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

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

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

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

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

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

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

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

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

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

27 (a) Either:

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

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

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

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

38 (a) Either the high school's community eligibility provision  
39 percentage or the number and overall percentage of high school

1 students who are eligible to participate in the federal free and  
2 reduced-price meals program;

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

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

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

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

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

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

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

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

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

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

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

38 STREAMLINING FEE COLLECTION. (1) The process for charging and  
39 collecting associated student body card fees, school-based athletic



1 program fees, optional noncredit school club fees, and other fees  
2 from high school students who are low income must be identical to the  
3 process for charging and collecting fees from other students.

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

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

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

31 **Sec. 11.** RCW 28A.325.050 and 2014 c 211 s 3 are each amended to  
32 read as follows:

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

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

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

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

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

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

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

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

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

17 ((+3)) (4) If the school district web site contains separate web  
18 sites for schools in the district, the information under this section  
19 must be published on the web site of the applicable school of the  
20 associated student body.

21 ((+4)) (5) No later than August 31, 2014, school districts must  
22 publish the information under this section on their web sites for the  
23 2012-13 and 2013-14 school years. School districts must add updated  
24 annual information to their web sites by each August 31st, except  
25 that school districts are only required to maintain the information  
26 on the web site from the previous five years.

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

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

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

38 (3) By January 15, 2021, the office of the superintendent of  
39 public instruction, and the selected school districts, must

1 collaborate to compile best practice guidance for collecting,  
2 publishing, and reporting data related to student participation in  
3 school clubs. The office of the superintendent of public instruction  
4 must post this best practice guidance on its web site and must  
5 distribute the guidance to school districts.

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

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

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