

SENATE BILL REPORT

ESHB 2311

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 23, 2018

Title: An act relating to reducing barriers to student participation in extracurricular activities.

Brief Description: Reducing barriers to student participation in extracurricular activities.

Sponsors: House Committee on Education (originally sponsored by Representatives Bergquist, Harris, Hudgins, Tarleton, Slatter, Haler, Reeves, Doglio, Muri, Graves and Young).

Brief History: Passed House: 1/31/18, 62-32.

Committee Activity: Early Learning & K-12 Education: 2/15/18, 2/23/18 [DPA-WM].

Brief Summary of Amended Bill

- Limits student identification card, extracurricular participation, and career and technical student organization fees to \$5 each for low-income high school students.
- Requires that school districts communicate fee limits and include information about the limits on district and school websites.
- Creates the Promoting Lively Activities for Youth (PLAY) grant program that, through a contract between the Office of Financial Management (OFM) and the Washington Interscholastic Activities Association (WIAA), subsidizes certain small school districts.
- Limits student physical examination requirements to one examination every 24 months, unless recommended by a medical authority.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Wellman, Chair; Rolfes, Vice Chair; Zeiger, Ranking Member; Billig, Hawkins, Hunt, Mullet, Padden, Pedersen and Rivers.

Staff: Benjamin Omdal (786-7442)

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.

Background: WIAA. In Washington State, school boards may delegate control, supervision, and regulation of extracurricular activities to the WIAA or any other voluntary nonprofit entity. There are currently over 400 public and private high schools that are members of the WIAA, and approximately 400 middle and junior high schools as well.

The WIAA oversees athletics and fine arts competitions, including 120 state championship events in sports, debate, drama, and music.

The WIAA does not receive financial support from tax dollars or from the state of Washington. Instead, the WIAA is primarily funded through ticket sales to events.

Student Fees. The school board of each district may establish and collect fees from students and nonstudents at optional noncredit extracurricular events. However, districts must adopt regulations for waiving and reducing these fees for students whose families would have difficulty paying the entire amount due to low income.

In addition, fees are often collected by an associated student body (ASB) organization. Many ASBs allow for the purchase of a student identification card, which is then used for various purposes. ASB cards are sometimes required for participation in certain school-sponsored activities, including athletics. Fees may also be charged for participation in other student organizations, including career and technical student organizations (CTSOs).

Schools have also charged fees for participation in school activities, including athletics. While prices have varied at the district level, many schools have charged fees up to \$200 or more per sport. Schools with this pay-to-play model often have had reductions or waivers for low-income students.

Free-and-Reduced-Price Meals. In order for students to qualify for free meals, their family's income must be at or below 130 percent of the federal poverty level. Students whose family's income is between 130 percent and 185 percent of the federal poverty level are eligible for reduced price meals. For the period of July 1, 2017, to June 30, 2018, 130 percent of the poverty level is \$31,980 for a family of four; 185 percent is \$44,510.

Physical Examinations. Physical examinations for extracurricular activities held by the WIAA are currently governed by WIAA rules. For the 2017-18 school year, the WIAA requires that students must undergo a thorough medical examination and be approved by a medical authority licensed to perform a physical exam, prior to the first practice. These examinations are valid for 24 consecutive months, unless limited by the school district or the medical authority who performed the exam.

Summary of Bill: The bill as referred to committee not considered.

Summary of Amended Bill: Fee Limitations. Fees for student identification cards are limited to a maximum of \$5 per school year for public high school students eligible for free and reduced-price meals.

In addition, these students eligible for free and reduced-price meals must not be charged more than \$5 to participate in an extracurricular activity, per activity, per school year. This limitation only applies to students enrolled in a school district that is a member of the WIAA.

Fee limitations on activities do not apply to admission of events, or the purchase of clothing, supplies, gear, or equipment required to participate in extracurricular activities or CTSOs.

School districts must widely, effectively, and frequently communicate these fee limits, and must include them on the high school's website and the district's website.

PLAY Grant Program. The PLAY grant program is created to subsidize small school districts unduly impacted by the fee limitations set out by the bill. OFM shall contract with the WIAA to administer the program, which is to begin in the 2018-19 school year, subject to appropriations. The WIAA may not retain any of the appropriated amounts for administrative purposes.

To qualify for a PLAY grant, a school district must:

- have fewer than two thousand students;
- have 50 percent or more of their high school students eligible for federal free and reduced-price meals; and
- be impacted by the maximum student identification card fee limitations.

The maximum grant award per school district is \$2,000 per year on a first-come basis. The maximum total amount per school year is \$50,000. The WIAA must submit an annual report on the PLAY program.

Physical Examinations. Students may not be required to complete more than one physical examination every 24 months in order to participate in extracurricular activities, unless recommended by a medical authority.

EFFECT OF EARLY LEARNING & K-12 EDUCATION COMMITTEE AMENDMENT(S):

- Removes all previous provisions relating to fee collection with language that requires public high schools to: (1) have identical processes for charging and collecting fees for all students; (2) make efforts to automatically charge discounted fee rates for eligible students; and (3) make every effort to streamline fee collection processes and increase participation.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: There is a correlation between student participation in activities and student success; reducing the barriers to organizations and activities can help lower-income students have access to these opportunities. Participating in an organization helps to create a dynamic school environment. Organized sports are a way for students to interact with other students in a positive way, but there are less ways to do so than before.

CON: Bill language does not give direction on how school districts would be able to recover the lost revenue. Fee limits would result in lost funds for ASB activities, and this cost would have to be made up somewhere. School districts may be forced to cut non-varsity athletic programs to recover lost revenue. Limiting fees to career and technical organizations would result in cuts to these organizations. Because the state does not fund the activities that are funded by fees, the state should leave fee-setting decisions to local districts. Career and Technical Student Organizations (CTSOs) are an inter-curricular activity that should not be included.

OTHER: Barriers to student participation in sports and activities should be reduced. However, actions that would result in increased fees for students that do not qualify as low-income are not the best way to increase access to these activities. The bill could result in increased fees for other students, which would hurt middle-income families. Individual districts have unique circumstances, and having one set fee for all schools might not be the best way to solve this issue. Statewide fee limitations could be an unfunded mandate for local districts. Staff training and professional development can be used to eliminate negative social effects of applying for low-income programs. Schools already fundraise to supply funds for student participants.

Persons Testifying: PRO: Representative Steve Bergquist, Prime Sponsor; Suzie Hanson, WA Federation of Independent Schools; Mike Oechsner, Washington FBLA; Alexander Selby, Future Business Leaders of America; Emilia Murphy; Justin Olney; Megan Bloomingdale; Tim Knue, Wa-ACTE.

CON: Charlie Brown, Bethel School district; Deborah Yearsley, Clover Park School District/ASB; Brisa Hernandez, Family, Career, and Community Leaders of America; Kevin Reimer, North Thurston Public Schools/Director of activities, Athletics and the Arts; Michelle Ledbetter, Pierce County Skills Center.

OTHER: Dan Steele, WA Association of School Administrators & WA Association of School Business Officials; Jessica Vavrus, WA State School Directors' Association; Jim Stoffer, Sequim School Board, WSSDA Legislative Committee; Melissa Gombosky, Evergreen and Vancouver Public Schools; Emma Tarsi, Washington DECA Area 7 President; Roz Thompson, Association of Washington School Principals.

Persons Signed In To Testify But Not Testifying: No one.

Staff Summary of Public Testimony on Proposed Striking Amendment: *The committee recommended a different version of the bill than what was heard.* PRO: There is a correlation between student participation in activities and student success; reducing the barriers to organizations and activities can help lower-income students have access to these

opportunities. Participating in an organization helps to create a dynamic school environment. Organized sports are a way for students to interact with other students in a positive way, but there are less ways to do so than before.

CON: Bill language does not give direction on how school districts would be able to recover the lost revenue from the fees. Fee limits would result in lost funds for ASB activities, and this cost would have to be made up somewhere. School districts may be forced to cut non-varsity athletic programs to recover lost revenue. Limiting fees to career and technical organizations would result in cuts to these organizations. Because the state does not fund the activities that are funded by fees, the state should leave fee-setting decisions to local districts. CTSOs are an inter-curricular activity that should not be included

OTHER: Increasing fees for students that do not qualify as low-income is not the best way to increase access to these activities, as such an action would hurt middle-income families. Individual districts have unique circumstances, and having one set fee for all schools might not be the best way to solve this issue. Statewide fee limitations could be an unfunded mandate for local districts. Staff training and professional development can be used to eliminate negative social effects of applying for low-income programs. Schools already fundraise to supply funds for student participants.

Persons Testifying: PRO: Representative Steve Bergquist, Prime Sponsor; Suzie Hanson, Washington Federation of Independent Schools; Mike Oechsner, Washington Future Business Leaders of America; Alexander Selby, Future Business Leaders of America; Emilia Murphy, citizen; Justin Olney, citizen; Megan Bloomingdale, citizen; Tim Knue, Washington Association for Career and Technical Education.

CON: Charlie Brown, Bethel School District; Deborah Yearsley, Clover Park School District, ASB; Brisa Hernandez, Family, Career, and Community Leaders of America; Kevin Reimer, Director of Activities, Athletics and the Arts, North Thurston Public Schools; Michelle Ledbetter, Pierce County Skills Center.

OTHER: Dan Steele, Washington Association of School Administrators, Washington Association of School Business Officials; Jessica Vavrus, Washington State School Directors' Association; Jim Stoffer, Sequim School Board, Washington State School Directors' Association, Legislative Committee; Melissa Gombosky, Evergreen and Vancouver Public Schools; Emma Tarsi, Area 7 President, Washington Distributive Education Clubs of America (DECA); Roz Thompson, Association of Washington School Principals.

Persons Signed In To Testify But Not Testifying: No one.