

HOUSE BILL REPORT

E2SHB 1660

As Passed House:
March 12, 2019

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];
Appropriations: 2/26/19, 2/28/19 [DP2S(w/o sub ED)].

Floor Activity:

Passed House: 3/12/19, 62-36.

Brief Summary of Engrossed Second Substitute Bill

- Defines certain goals for high schools related to the opportunity gap for student possession of associated student body (ASB) cards and the opportunity gap for student participation in athletic programs.
- Requires that school districts with high schools that do not meet or exceed one or more of these goals develop, submit, and implement an extracurricular activities opportunity gap reduction plan.
- Creates the Promoting Lively Activities for Youth Grant Program to subsidize school districts impacted by discounted ASB card fees charged to high school students who are low income.
- Requires that the process for charging and collecting fees from high school students who are low income be identical to the process for charging and collecting fees from other students.
- Requires school boards to discount extracurricular activities participation fees for students who are low income.

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.

- 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.
- Direct the Office of the Superintendent of Public Instruction to select four school districts to pilot the collection, publishing, and reporting of data related to student participation in school clubs, and to distribute a compilation of best practice guidance on this topic.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; Bergquist, Caldier, Callan, Harris, Kilduff, Ortiz-Self, Stonier, Thai, Valdez and Ybarra.

Minority Report: Do not pass. Signed by 5 members: Representatives McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Corry, Kraft and Rude.

Staff: Megan Wargacki (786-7194).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by 22 members: Representatives Ormsby, Chair; Bergquist, 2nd Vice Chair; Robinson, 1st Vice Chair; Rude, Assistant Ranking Minority Member; Caldier, Cody, Dolan, Fitzgibbon, Hansen, Hudgins, Jinkins, Macri, Pettigrew, Pollet, Ryu, Senn, Springer, Stanford, Steele, Sullivan, Tarleton and Tharinger.

Minority Report: Do not pass. Signed by 9 members: Representatives Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Chandler, Dye, Hoff, Kraft, Mosbrucker, Sutherland and Ybarra.

Staff: Jordan Clarke (786-7123).

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.

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 priced meals (FRPM) by allowing schools with high numbers of low-income students to serve free meals to all enrolled students.

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 years 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.

To be eligible to receive the CBS, a student must sign a pledge during grade 7 or 8 that includes a commitment to graduate from high school with at least a "C" grade average and no felony convictions. To receive the CBS, the student must graduate high school having fulfilled the CBS pledge requirements. Upon graduation, the student's family income will be assessed, and if it does not exceed 65 percent of the state median family income, the student will receive a scholarship.

Summary of Engrossed Second 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, 2020, 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. School districts with more than one high school must provide each high school's ASB executive board only the data from each board's respective high school. 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.

The OSPI must select four school districts that volunteer to pilot the collection, publishing, and reporting of data related to student participation in school clubs during the 2019-20 and 2020-21 school years. By January 15, 2021, the OSPI, and the selected school districts, must collaborate to compile best practice guidance on this topic and the OSPI must disseminate this best practice guidance.

Calculation of Opportunity Gaps for Possession of an Associated Student Body Card and Participation in Athletic Programs. A school district must calculate the opportunity gap for student possession of an ASB card as the difference between the percentage of high school students who are low income and who possess an ASB card, and 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 for athletic program participation as the difference between the percentage of high school students who are low income and who participated in an athletic program, and 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 it 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 exceed 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 include at least one element from a list of policies and practices designed to reduce the opportunity gap, such as a school district-developed policy or practice, discounting the ASB card fee for high school students who are low income, or promoting ASB card possession and extracurricular activity participation for high school students, among others. School districts must add an additional element from the list for each year that a high school in the school district does not meet one or more of the opportunity gap reduction goals.

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.

Promoting Lively Activities for Youth Grant Program. The Promoting Lively Activities for Youth (PLAY) Grant Program must be administered by the OSPI. Subject to state funding, and beginning in fiscal year 2021, the OSPI must allocate grants to high schools impacted by discounts on ASB card fees charged to high school students who are low income and that either: (1) are implementing the Community Eligibility Provision (CEP); or (2) have greater than 25 percent of high school students eligible to participate in the FRPM program. Application deadlines and criteria are specified.

The maximum PLAY grant award is \$5,000 per high school per year. Grant awards must be prioritized in the following order: (1) beginning in the 2021-22 school year, high schools that previously received a PLAY grant award; (2) high schools implementing the CEP; (3) high schools with the highest percentage of students eligible to participate in the FRPM program; and (4) high schools located in school districts enrolling 5,000 or fewer students.

By November 1, 2020, and by each November 1 thereafter, the OSPI must report to the Legislature with the following data: the number of PLAY grant applications; a summary of the information submitted with the applications; and the number and amount of grants awarded.

Streamlining Fee Collection. The process for charging and collecting ASB card fees, school-based extracurricular activities 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.

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).

A list of optional noncredit extracurricular event attendance and participation fees and the school district policy for waiving or reducing these fees must be published on the ASB website.

Appropriation: None.

Fiscal Note: Available.

Effective Date: This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 8, relating to the Promoting Lively Activities for Youth Grant Program, which takes effect September 1, 2019.

Staff Summary of Public Testimony (Education):

(In support) High school students who are low income should have the same opportunities to participate in extracurricular activities as other students. In many school districts, having an associated student body (ASB) card is the key to participation in sports and clubs. Around 80 percent of higher income students possess an ASB card, compared to about 30 percent of lower income students. Studies show that participation in extracurricular activities increases attendance and academic performance. Districts need to collect data and involve students in determining how to get more students to participate. This bill should not cost districts money but should increase student participation.

(Opposed) None.

(Other) This is an area where there is an opportunity gap based on income. The state and each school district need to identify their opportunity gaps and then eliminate the gaps using their data.

School directors generally want to reduce barriers to student participation in extracurricular activities. There are concerns that if not addressed and funded, the system created in the bill might not work. The data collection process needs to be simplified. The timeline for data collection needs to be pushed back.

Staff Summary of Public Testimony (Appropriations):

(In support) None.

(Opposed) None.

(Other) School directors agree with the intent of the bill to reduce barriers to student participation in extracurricular activities. Many school districts have efforts underway to ensure access for each and every student. Aside from concerns about diminishing local control, concerns for this bill are largely fiscal regarding the ability and capacity of school districts to successfully and sustainably implement the bill's requirements. School districts already subsidize approximately \$100 million each year from local funding sources to support extracurricular activities.

The additional data collection and reporting requirements mandated in the bill would add approximately \$11 million per year, and additional staffing might be needed in larger districts. As a result, dedicated ongoing state funding is needed to help establish the necessary capacity to efficiently and successfully implement the bill. It presents additional financial burdens that exacerbate the already difficult operational and funding challenges that local levies already bear. Districts care deeply about reducing the opportunity gaps. Districts are also shining the light on opportunity gaps from implementation of House Bill 1541 from several years ago.

Persons Testifying (Education): (In support) Representative Bergquist, prime sponsor.

(Other) Dave Mastin, Office of the Superintendent of Public Instruction; and Jessica Vavrus, Washington State School Directors' Association.

Persons Testifying (Appropriations): Jessica Vavrus, Washington State School Directors' Association.

Persons Signed In To Testify But Not Testifying (Education): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.