

Date of Hearing: January 12, 2016

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 735 (Ridley-Thomas) – As Amended January 4, 2016

[Note: This bill is doubled referred to the Assembly Arts, Entertainment, Sports, Tourism and Internet Media Committee and was heard on January 5, 2016, in said Committee, as it relates to issues under its jurisdiction.]

SUBJECT: Postsecondary education: Student Athlete Bill of Rights

SUMMARY: Eliminates the sunset of the Student Athlete Bill of Rights.

EXISTING LAW:

- 1) Prohibits any person from giving, offering, promising or attempting to give money or other item of value to a student athlete or member of the athlete's immediate family to induce, encourage or reward a student athlete's application, enrollment or attendance at a public or private institution of higher education (IHE) to participate in intercollegiate sporting activities. Some exceptions may be granted in accordance with National Collegiate Athletic Association (NCAA) rules. A person who violates these rules is subject to a civil penalty of up to \$10,000, or three times the amount given, offered or promised, whichever is greater (Education Code Section 67360).
- 2) Prohibits student athletes and members of their immediate family from soliciting or accepting money or other item of value as an inducement, encouragement or reward, subject to the same exceptions and penalty listed above (EC Section 67361).
- 3) Requires California postsecondary educational institutions that offer athletic scholarships to provide specific information on its website, such as NCAA policy on scholarship duration, the most recent cost of attendance, and their policy on athletically related medical expenses (EC Section 67365).
- 4) Defines the following: "athletic association" to mean any organization that is responsible for governing intercollegiate athletic programs; "athletic program" to mean an intercollegiate athletic program at any IHE; "graduation success rate" to mean the percentage of student athletes who graduate from that IHE within six years of their initial enrollment, excluding outgoing transfers in good academic standing with athletic eligibility remaining, and including incoming transfers. The rate is to be calculated by combining the rates of the four most recent classes that are available in the exact manner as the rate is calculated under NCAA rules; "IHE" to mean any campus of the University of California or the California State University, or any four-year private university located in California, that maintains an intercollegiate athletic program; "media rights" means the rights to media coverage of intercollegiate athletics included in contracts that are entered into by intercollegiate athletic conferences and television networks and that generate monetary payments to individual IHEs; and, "student athlete" to mean any college student who participates in an intercollegiate athletic program of an IHE, and includes student athletes who participate in basketball, football, and other intercollegiate sports (EC Section 67451).

- 5) Specifies the following: a) unless a student athlete declines the payment of premiums, an athletic program shall be responsible for paying the premiums of each of its student athletes whose household has an income and asset level that does not exceed the level for Cal Grant A recipients set forth in EC Section 69432.7 for insurance covering claims resulting from their participation in the athletic program; b) an athletic program shall be responsible for paying the insurance deductible amount applicable to the claim of any student athlete who suffers an injury resulting from his or her participation in the athletic program and makes a claim relating to that injury; c) if a student athlete suffers an injury resulting from his or her participation in the athletic program that requires ongoing medical treatment, the athletic program shall provide, for a minimum of two years following the student athlete's graduation or separation from the IHE, one of the following: i) the necessary medical treatment and ii) health insurance that covers the injury and the resulting deductible amounts; d) Letter "C" "i" and "ii" shall not apply to preexisting medical conditions that predate the student athlete's participation in the athletic program; e) an athletic program shall adopt and implement guidelines to prevent, assess, and treat sports-related concussions and dehydration. Additionally, an athletic program shall adopt and implement exercise and supervision guidelines for any student athlete identified with potentially life-threatening health conditions who participates in an athletic program; f) an IHE that receives, as an average, less than ten million dollars in annual income derived from media rights for intercollegiate athletics shall not be subject to the requirements of this section; and, g) an IHE to which this section applies shall rely exclusively on revenue derived from media rights for intercollegiate athletics to defray any costs accrued under this section (EC Section 67452).
- 6) Mandates that athletic programs shall comply with all of the following: a) if an athletic program does not renew an athletic scholarship of a student athlete who suffers an incapacitating injury or illness resulting from his or her participation in the athletic program, and the IHE medical staff determines that he or she is medically ineligible to participate in intercollegiate athletics, the IHE shall provide an equivalent scholarship that, combined with the total duration of any previous athletic scholarship or scholarships received by the student athlete, will be provided for a total of up to five academic years or until the student athlete completes his or her undergraduate degree, whichever period is shorter. Additional years may be provided at the discretion of the IHE; b) if a student athlete takes a temporary leave of absence from an IHE, the duration of that leave of absence shall not count against the five-year limit on eligibility for an equivalent scholarship as determined; c) an athletic program shall provide an equivalent scholarship to a student athlete who was on an athletic scholarship and is in good standing, but has exhausted his or her athletic eligibility, for up to one year or until the student athlete completes his or her primary undergraduate degree, whichever is shorter, except that an athletic program with a graduation success rate that is above 60 percent, disaggregated by team, shall not be subject to the requirements; d) a student athlete whose athletic scholarship is not renewed for cause by an athletic program shall receive no benefits under this part, but may appeal this decision within the IHE attended by the student or within the athletic conference or association of which that IHE is a member, as appropriate; e) each athletic program shall conduct a financial and life skills workshop for all of its first-year and third-year student athletes at the beginning of the academic year. This workshop shall include, but not be limited to, information concerning financial aid, debt management, and a recommended budget for full- and partial-scholarship student athletes living on or off campus during the academic year and the summer term based on the current academic year's cost of attendance. The workshop shall also include information on time

management skills necessary for success as a student athlete, and academic resources available on campus; f) an IHE shall grant a student athlete the same rights as other students with regard to any and all matters related to possible adverse or disciplinary actions, including, but not necessarily limited to, actions involving athletically related financial aid; g) an athletic program shall respond within seven business days with an answer to a student athlete's written request to transfer to another IHE; h) an IHE that receives, as an average, less than ten million dollars in annual income derived from media rights for intercollegiate athletics shall not be subject to the requirements of this section of law; and, i) an IHE to which this section of law applies shall rely exclusively on revenue derived from media rights for intercollegiate athletics to defray any costs accrued under this section (EC Section 67453)

FISCAL EFFECT: Unknown

COMMENTS: *Need for the measure.* According to the author, "Because of the success of the Student Athlete Bill of Rights, it is unnecessary to wait any longer to repeal the sunset date and to place undue stress on our student athletes and to not extend common sense protections indefinitely." The author contends that student athletes who enroll in school in 2017 and thereafter, will lack the certainties of the protections of the Student Athlete Bill of Rights being available to them throughout their entire collegiate experience.

Background. SB 1525 (Padilla, Chapter 625, Statutes of 2012) enacted a Student Athlete Bill of Rights (see "Existing Law" section of this analysis) and placed specified requirements on collegiate athletic programs, including, but not limited to, providing financial and life skills workshops for all of its first-year and third-year student athletes at the beginning of the academic year; and, ensuring that a student athlete is granted the same rights as other students with regard to any and all matters related to possible adverse or disciplinary actions, commencing with the 2013-14 academic year and ending January 1, 2021.

Over the course of several months in 2012, this measure was amended five times; the chaptered version of the measure changed significantly from the original version of the measure. Prior versions of SB 1525 included guaranteed scholarships for five years for student-athletes and removed transfer restrictions for student athletes. These provisions were negotiated out of SB 1525 for various reasons. The signed version of SB 1525 codified into law practices that support student-athletes' welfare and minimize the disadvantages to student-athletes.

To note, SB 1525 did not require the institutions of higher learning that must implement the provisions of said measure to report to the Legislature and other interested stakeholders, the outcomes of the measure. Therefore, no initial reports as to the successes or failures are known at this time.

Policy implications. SB 1525 did not require the institutions of higher learning that must implement the provisions of said measure to report to the Legislature and other pertinent stakeholders on the outcomes of the measure. Therefore, no progress reports as to the successes or failures are known at this time. Anecdotally, in the first year and a half of the implementation of the Student Athlete Bill of Rights, student athletes have been receiving necessary rights.

Without empirical data proving the successes and within less than two years into the implementation of the Student Athlete Bill of Rights, is it prudent to remove the sunset? Moving forward, the author may want to consider if it is prudent to add a reporting requirement to the Student Athlete Bill of Rights prior to removing the sunset.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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