
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No:	AB 2220	Hearing Date:	June 27, 2018
Author:	Bonta		
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Urgency:	No	Fiscal:	Yes
Consultant:	Lynn Lorber		

Subject: College Student Athlete Bill of Rights.

SUMMARY

This bill extends portions of the existing Student Athlete Bill of Rights to apply to additional institutions of higher education (IHE) that provide athletic scholarships for college student athletes; provides an additional year of eligibility for an equivalent scholarship (for students who have been injured); and, requires IHEs to designate one person to receive complaints, and requires IHEs to investigate and provide a remedy within 60 days.

BACKGROUND

Existing law:

Student Athlete Bill of Rights

- 1) Applies the requirements in # 2-8 only to a higher education institution receiving income of more than \$10 million annually through media rights (contracts with television networks), and requires the institution to rely exclusively on this revenue to cover the costs of these requirements. (Education Code § 67452)

Equivalent scholarship

- 2) Requires the postsecondary education institution, if a student athlete's athletic scholarship is not renewed due to incapacitating injury or illness resulting from participation in the athletic program, to provide an equivalent scholarship, that when combined with the previous athletic scholarship, provides the student with up to five academic years or until the student completes his academic degree, whichever comes first. A student's temporary leave of absence shall not count against the five-year limit. (EC § 67452)
- 3) Requires an athletic program with a six-year graduation success rate, disaggregated by each team, of less than 60 percent, to provide a student athlete in good standing who has exhausted their athletic scholarship with an equivalent scholarship for up to one year. (EC § 67452)

Financial and life skills workshop

- 4) Requires each athletic program to conduct a financial and life skills workshop, as specified, for all first-year and third-year student athletes. (EC § 67452)

Transfer

- 5) Requires an athletic program to respond within seven business days to a student athlete's written request to transfer. (EC § 67452)

Health insurance premiums and deductible

- 6) Stipulates that an athletic program, unless the student athlete declines, is responsible for paying the health insurance premiums of a student athlete whose household income does not exceed the level of Cal Grant A recipients, for insurance covering claims resulting from the student's participation in the athletic program. (EC § 67453)
- 7) Stipulates that an athletic program is responsible for paying the insurance deductible amount applicable to a student who suffers injury resulting from participation in the athletic program, and if the student requires ongoing medical treatment, the program is to provide, for at least two years after the student's graduation or separation from the institution, either necessary medical treatment or health insurance covering the injury and resulting deductibles. (EC § 67453)

Guidelines

- 8) Requires the athletic program to adopt and implement guidelines to prevent, assess and treat sports-related concussions and dehydration. (EC § 67453)

General provisions related to student athletes (separate from the Student Athlete Bill of Rights)

- 9) Requires California postsecondary educational institutions that offer athletic scholarships to provide specific information on its website, such as the National Collegiate Athletic Association (NCAA) policy on scholarship duration, the most recent cost of attendance, and the policy on athletically related medical expenses. (EC § 67365)
- 10) Prohibits any person from giving, offering, promising or attempting to give money or other items 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 NCAA rules. Existing law subjects a person who violates these rules to a civil penalty of up to \$10,000, or three times the amount given, offered or promised, whichever is greater. (EC § 67360)
- 11) Prohibits student athletes and members of their immediate family from soliciting or accepting money or other items of value as an inducement, encouragement or reward, subject to the same exceptions and penalty listed above. Existing law subjects a person who violates these rules to a civil penalty of up to \$1,000 or an amount equal to the amount accepted by the student athlete or family member, whichever is greater. (EC § 67361)

ANALYSIS

This bill expands the existing Student Athlete Bill of Rights to apply to additional institutions of higher education (IHE) that provide athletic scholarships for college student athletes; provides an additional year of eligibility for an equivalent scholarship (for students who have been injured); and, requires IHEs to designate one person to receive complaints, and requires IHEs to investigate and provide a remedy within 60 days. Specifically, this bill:

Extends to any campus of the University of California or California State University, or any private postsecondary educational institution or independent IHE located in California that provides athletic scholarships for college student athletes

- 1) Provide an equivalent scholarship, if the athletic program does not renew an athletic scholarship because the student suffers an incapacitating injury resulting from participation in the athletic program, for up to a total of five academic years (when combined with the total duration of any previous athletic scholarship).
- 2) Conduct a financial and life skills workshop, as specified, for all first-year and third-year student athletes.
- 3) Respond within seven business days with an answer to a student athlete's written request to transfer to another IHE.

Extends to any of the IHEs described in # 1 that receive, as an average over the most recent three-year period, at least \$10 million in annual athletically-related revenue (existing law applies to IHEs with at least \$10 million in annual media rights)

- 4) Provide an *equivalent scholarship* to a student athlete who was on an athletic scholarship and is in good standing but has exhausted athletic eligibility, for up to one year, but *exempts athletic programs with a graduation success rate that is above 60 percent (disaggregated by each team)*.
- 5) Be responsible for paying the premiums of each of its student athletes with eligible household income levels.
- 6) Be responsible for paying the insurance deductible amount applicable to the claim of any athlete who suffers an injury resulting from participation in the athletic program.
- 7) Provide, for at least two years following the student's separation from the IHE, ongoing medical treatment or health insurance that covers the injury and resulting deductible amounts.
- 8) Adopt and implement guidelines to prevent, assess, and treat sports-related concussions and dehydration.
- 9) Adopt and implement exercise and supervision guidelines for any athlete identified with potentially life-threatening health conditions.

Establishes a new requirement that applies to all institutions of higher education (IHEs) that provide athletic scholarships (described above # 1)

- 10) Requires that a student athlete with an incapacitating injury be granted one additional academic year of eligibility for an equivalent scholarship upon showing of cause for need (one year beyond the existing five-year limit on eligibility for an equivalent scholarship).

Establishes new notification of rights, point of contact for complaints, 60-day timeline that applies to all IHEs (described in # 1)

- 11) Requires *all* IHEs that provide athletic scholarships to provide a copy of the rights established for student athletes pursuant to this bill to each of its athletes, at least once per academic year, at the start of the season of the athlete's sport.
- 12) Requires each IHE to designate an individual to receive complaints for violations and include the contact information of that person for each of its student athletes.
- 13) Authorizes a student athlete to report a violation to the designated individual, and requires the IHE to conduct and conclude an investigation, and provide an appropriate remedy within 60 days.
- 14) Authorize a student athletes to submit a civil action claim against the IHE, if a violation is not remedied within 60 days, to the Attorney General or appropriate district attorney or county counsel.
- 15) Authorizes a student athlete to pursue a civil action for damages or equitable relief if the Attorney General, district attorney or county counsel does not pursue legal action within 60 days. This bill provides that a student athlete who prevails in an action may recover reasonable attorney's fees and court costs, in addition to any damages or equitable relief.

Miscellaneous

- 16) Defines "personnel" as one or more representatives of an athletic program, including but not limited to any employee, coach, assistant, or affiliated healthcare professional.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Currently, most schools in California have the autonomy to determine whether to pay for an athlete's medical expenses. Additionally, college athletes who get injured during practice or a game are not protected from losing their athletic scholarship. The existing Student Athlete Bill of Rights is only applicable to four of California's 47 Division I and Division II schools (University of Southern California, University of California at Los Angeles, University of California at Berkeley, and Stanford). This means thousands of college athletes across California have no guaranteed protection if they are injured on the field."

2) ***Additional universities subject to the existing Student Athlete Bill of Rights.***

This bill expands the number of colleges and universities that are required to comply, beyond the four universities that are currently required to comply, with the Student Athlete Bill of Rights; the main points of expansion are as follows:

- a) Any institution of higher education (IHE) that provides athletic scholarships is required to provide an equivalent scholarship if the IHE does not renew an athletic scholarship because the student suffers an incapacitating injury, for up to a total of five academic years (when combined with the total duration of any previous athletic scholarship). *Is it reasonable and appropriate to require an additional 42 IHEs, regardless of the amount of revenue generated from athletic activities, to provide an equivalent scholarship for up to five years?*
- b) Any IHE that provides athletic scholarships and receives a three-year average of at least \$10 million in annual athletically-related revenue (23 *additional IHEs*) is required to:
 - i) Provide an equivalent scholarship to a student athlete who was on an athletic scholarship and is in good standing but has exhausted athletic eligibility, for up to one year (an IHE is exempt if it has a graduation rate that is above 60 percent, disaggregated by team). *This affects 11 of the 23 additional universities.*
 - ii) Be responsible for paying the premiums of each of its student athletes with eligible household income levels.
 - iii) Be responsible for paying the insurance deductible amount applicable to the claim of any athlete who suffers an injury resulting from participation in the athletic program.
 - iv) Provide, for at least two years following the student's separation from the IHE, ongoing medical treatment or health insurance that covers the injury and resulting deductible amounts.

Is this expansion reasonable and appropriate?

Staff notes that "revenue" is defined, for purposes of the federal Equity in Athletics Disclosure Act, as all "revenues attributable to intercollegiate athletic activities. This includes revenues from appearance guarantees and options, athletic conference tournaments or bowl games, concessions, contributions from alumni and others, institutional support, program advertising and sales, radio and television, royalties, signage and other sponsorships, sports camps, governmental support, student activity fees, ticket sales, and any other revenues attributable to intercollegiate athletic activities.

- 3) ***Additional year of eligibility for an equivalent scholarship.*** Existing law requires the four IHEs subject to the Student Athlete Bill of Rights to provide an equivalent scholarship if the IHE does not renew an athletic scholarship because

the student suffers an incapacitating injury, for up to a total of five academic years (when combined with the total duration of any previous athletic scholarship). Existing law authorizes additional years to be provided at the discretion of the institution of higher education (IHE). This bill requires any IHE that provide athletics scholarships to grant an additional academic year of eligibility for an equivalent scholarship to a student athlete with an incapacitating injury, upon a showing of cause for need (increasing the maximum eligibility to six years). *Is it reasonable to require IHEs to provide an equivalent scholarship for up to six years? Is it reasonable to extend eligibility to a sixth year to universities that currently are not required to provide this equivalent scholarship at all?*

- 4) ***Investigate and remedy within 60 days.*** This bill requires IHEs to conduct and conclude a report of a violation, and provide an appropriate remedy within 60 days. *Is it reasonable to require the conclusion and remedy within 60 days? Would it be reasonable to require IHEs to begin conducting an investigation and notify the complainant within 60 days of the status of the investigation, and require the conclusion and remedy on a later timeframe?*
- 5) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would impose:
 - a) Ongoing General Fund (GF) or other fund (such as athletic fund) cost pressures to the California State University, in the low hundreds of thousands of dollars annually, to provide a scholarship to an injured college student athlete for one additional academic year. Ongoing GF or other fund cost pressures for insurance and treatment, in the low hundreds of thousands of dollars annually. Ongoing GF or other fund cost pressures to offer financial workshops to student athletes, likely in the thousands of dollars annually. Ongoing GF or other fund cost pressures in the tens of thousands to low hundreds of thousands of dollars to provide information to student athletes, establish procedures for complaints, and respond to complaints.
 - b) Ongoing GF or other fund cost pressures to the University of California, potentially in the low hundreds of thousands of dollars, to provide a scholarship to an injured college student athlete for one additional academic year. Ongoing GF or other fund cost pressures for medical insurance and treatment, potentially in the low hundreds of thousands of dollars annually. Ongoing GF or other fund (such as athletic fund) cost pressures to offer financial workshops to student athletes, likely in the thousands of dollars annually. Ongoing GF or other fund cost pressures in the tens of thousands to low hundreds of thousands of dollars to provide information to student athletes, establish procedures for complaints, and respond to complaints.
- 6) ***Related legislation.*** AB 1435 (Gonzalez Fletcher) establishes an appointed panel within the California Department of Education to create and distribute to every IHE with an intercollegiate athletic program best practices to minimize injuries, develop guidelines and mandates, perform compliance inspections,

exercise subpoena power, investigate complaints, and issue penalties. This bill requires every institution of education education with an intercollegiate athletic program to pay an annual fee for the administration and activities of this panel. AB 1435 is scheduled to be heard by this Committee on June 27.

AB 2747 (Holden, 2018) requires all campuses of the University of California, California State University, or any four-year private university located in California that maintain an intercollegiate athletic program to prepare, provide and post a notice with specified rights afforded to student athletes, prohibits these institutions of higher education from retaliating against a student athlete for making a complaint in good faith, and authorizes the establishment of a degree completion fund. AB 2747 was passed by this Committee on June 20, and is pending in the Assembly Appropriations Committee.

SUPPORT

National College Players Association (sponsor)
California Association for Health, Physical Education, Recreation and Dance
California State Student Association
United Steelworkers

OPPOSITION

Association of Independent California Colleges and Universities
Azusa Pacific University
Biola University
California Baptist University
California State University
Dominican University of California
Fresno Pacific University
Loyola Marymount University
Pacific West Conference
Pepperdine University
Point Loma Nazarene University
Santa Clara University
Simpson University
Stanford University
University of California
University of San Diego
University of Southern California
University of the Pacific
William Jessup University

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