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# SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

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**Bill No:** AB 2747 **Hearing Date:** June 20, 2018  
**Author:** Holden  
**Version:** May 25, 2018  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Lynn Lorber

**Subject:** Student Athlete Bill of Rights.

**NOTE:** This bill has been referred to the Committees on Education and Judiciary. A "do pass" motion should include referral to the Committee on Judiciary.

## SUMMARY

This bill requires all campuses of the University of California (UC), 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.

## 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 requires all campuses of the University of California (UC), California State University (CSU), 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. Specifically, this bill:

### *Notification*

- 1) Requires an institution of higher education (*any campus of the UC, CSU, or any four-year private university located in California that maintains an intercollegiate athletic program*) to prepare a notice containing pertinent data regarding the following information:
  - a) A student athlete's rights pursuant to Title IX.
  - b) A student athlete's reporting rights pursuant to the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.
  - c) A student athlete's rights pursuant to this bill.
  - d) A student athlete's rights pursuant to the regulations developed by any state commission authorized to provide information about sports-related health risks.
  - e) Any additional rights afforded specifically to student athletes, or students at large, as provided by the institution of higher education in any policy manual, handbook executive order, or other written policy related to students' rights.
- 2) Requires the notice to contain sufficient information to enable a student athlete to file a complaint for a violation of any of the rights identified in the notice, including but not limited to all of the following:
  - a) The telephone number for the Civil Rights Hotline, used by the Office for Civil Rights for complaint reporting intake, as well as the telephone number of the Office for Civil Rights regional enforcement office.
  - b) The website address for the Office of Civil Rights online complaint form for Title IX complaint reporting.
  - c) The website address used by the United States Department of Education for reporting violations of the federal Jeanne Clery Disclosure of Campus

## Security Policy and Campus Crime Statistics Act.

- d) A list of the job classification employed by the institution that are deemed mandated reporters and the mandated reporter's obligations, including but not limited to which students are included in their reporting obligation.
- 3) Requires every institution of higher education to post and keep posted the notice in a conspicuous location frequented by student athletes, including but not limited to athletic training facilities.
  - 4) Requires the institution of higher education to provide every student athlete a copy of the following at the beginning of every academic year:
    - a) A copy of the notice.
    - b) A current copy of the National Collegiate Athletic Association Concussion Diagnosis and Management of Sports-Related Concussion Best Practices.
    - c) Any written policies related to concussions or other sports medicine practices specific to the institution of higher education.

*Retaliation*

- 5) Prohibits an institution of higher education from retaliating against a student athlete for making a complaint in good faith or for reporting in good faith a violation of the student athlete's rights described in # 1.
- 6) Defines "retaliation" to include all of the following:
  - a) A reduction in or loss of playing time.
  - b) A reduction in or loss of any education benefits, including scholarships and stipends.
  - c) A reduction in or loss of any meal benefits provided to a student athlete.
  - d) A reduction in or loss of any housing benefits provided to a student athlete, including the relocation of a student athlete's housing owned by the institution of higher education.
- 7) Provides that "retaliation" does not include an action taken, in good faith, by an institution of higher education on the basis of conduct other than a complaint made in good faith or the reporting in good faith of an alleged violation of student rights.

*Degree completion fund*

- 8) Authorizes an institution of higher education to establish a degree completion fund.

*Miscellaneous*

- 9) Defines “Office for Civil Rights” as the Office for Civil Rights within the United States Department of Education.
- 10) States legislative findings and declarations relative to:
  - a) The state concurring with the Healthy People 2020 findings, and states that collegiate athletes are at an elevated risk for poor public health outcomes.
  - b) Nothing in this bill requiring an institution of higher education to violate the regulations of an athletic association of which it is a member, and provides that nothing requires an institution of higher education to create a degree completion fund.
  - c) Shielding collegiate athletes from economic and educational discrimination.

**STAFF COMMENTS**

- 1) ***Need for the bill.*** According to the author, “Student athletes are faced with tremendous challenges as they balance a demanding practice and game schedule with fulltime coursework. These athletes are also expected to maintain a strict code of conduct dictated by more than just their coach or school, but by the National Collegiate Athletic Association (NCAA). Even as these high expectations are maintained, the performance of athletes earns recognition or funding for the school, but athletes’ needs are not always paid attention to. Many athletes are also prohibited from having jobs so they have limited resources to cover their everyday needs. For many athletes at Division I schools, a violation of NCAA bylaws means they not only lose their place on the team, but they lose their scholarship and access to an education. The current college athletics system creates a world where students assume all of the risk – physically, emotionally, financially, and academically – but colleges and the NCAA receive almost all the reward.”
- 2) ***Applicability.*** The existing provisions of the Student Athlete Bill of Rights apply only to the University of California (UC) at Berkeley and Los Angeles, Stanford, and the University Southern California (these campuses are the only institutions of higher education in California that receive at least \$10 million in annual income derived from media rights for intercollegiate athletics. The provisions of this bill are not limited to campuses that generate at least \$10 million in media rights, and therefore apply to any campus of the UC, California State University, or any four-year private university located in California that maintains an intercollegiate athletic program. This bill affects college athletics governed by the NCAA, the National Association of Intercollegiate Athletics, and the National Christian College Athletic Association.
- 3) ***Notification.*** Existing law requires postsecondary educational institutions that offer athletic scholarships to provide specific information on its website, such as

the National Collegiate Athletics Association (NCAA) policy on scholarship duration, the most recent cost of attendance, and the policy on athletically related medical expenses. This bill requires affected universities to prepare a notice containing information regarding students' rights, including a student athlete's rights pursuant to this bill. The only "rights" provided by this bill are receiving this notice and not being retaliated against.

- 4) **Retaliation.** This bill prohibits affected universities from retaliating against a student athlete for making a complaint in good faith or for reporting in good faith a violation of the student athlete's rights. This bill defines "retaliation" to include a reduction in or loss of playing time, education benefits, meal benefits, or housing benefits including relocation. While it is not the author's intent, this provision could be construed as to narrow or limit the scope of what is considered retaliation. *The author may wish to consider* clarifying that retaliation, as it applies to this bill, is not limited to these benefits.

It is not clear that this bill's definition of "retaliation" relative to a reduction in or loss of playing time is directly the result of filing a complaint or reporting a violation. *The author may wish to consider* clarifying that a reduction or loss in playing time is considered retaliation only if it is directly a result of filing a complaint or reporting a violation of students' rights.

This bill provides that "retaliation" does not include an action taken, in good faith, by a university on the basis of conduct other than a complaint or reporting, in good faith, of an alleged violation of student rights. Should this basis be on conduct and *performance* to clearly provide for situations where playing time is reduced or lost because of poor athletic performance?

- 5) **Degree completion fund.** This bill authorizes the establishment of a degree completion fund at any campus of the University of California, California State University, or any four-year private university located in California that maintains an intercollegiate athletic program. The NCAA maintains degree completion award programs, whereby students apply directly to the NCAA. None of the other athletic conferences that govern universities affected by this bill maintain a degree completion fund.

#### *NCAA Division I*

According to the NCAA's website, the NCAA Division I Degree-Completion Award Program assists student athletes who cannot complete their education during their five-year eligibility period. To be eligible, a student athlete must have competed at an NCAA Division I institution, have received athletics-related financial aid, and be within 30 semester hours (45 quarter hours) of completion of his or her degree. The award covers tuition, fees, and an allowance for textbooks and expenses.

#### *NCAA Division II*

To be eligible for the NCAA Division II Degree-Completion Award Program, a student athlete must have completed athletics eligibility at an active NCAA Division II institution, be within 32 semester hours (48 quarter hours) of completion of an undergraduate degree, be completed within 10 semesters (15

quarters), be meeting the institution's standard for good academic standing. This award value is the lesser of (a) tuition for his or her remaining credits toward completing an undergraduate degree, or (b) \$7,000. This award is limited to a maximum of three student athletes from each institution.

It is not clear that this bill authorizes the establishment of a degree completion fund that is consistent with National Collegiate Athletic Association (NCAA) rules. *The author may wish to consider* clarifying that any universities that establish a degree completion fund must do so consistent with NCAA rules.

- 6) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would impose one-time General Fund (GF) cost pressures in the low tens of thousands of dollars and minor ongoing cost pressures to California State University (CSU) to produce and distribute notifications of student athlete rights at campuses, one-time GF cost pressures in the thousands of dollars and minor ongoing cost pressures to University of California (UC) to produce and distribute notifications of student athlete rights at campuses.
- 7) ***Double-referred.*** This bill, should it pass out of this Committee, will be heard in the Senate Judiciary Committee on June 26, 2018.
- 8) ***Related legislation.*** AB 1435 (Gonzalez Fletcher) establishes within the California Department of Education the College Athlete Protection program under the administration of a panel for the protection of college or university athletes; creates additional protections for student athletes and imposes additional duties upon colleges and universities. AB 1435 is scheduled to be heard by this Committee on June 27, 2018.

AB 2220 (Bonta) expands to existing Student Athlete Bill of Rights to include all campuses of the UC or the CSU, or any private postsecondary educational institution or independent institution of higher education located in California, that provides athletic scholarships for college student athletes. AB 2220 is scheduled to be heard by this Committee on June 27, 2018.

## SUPPORT

National College Players Association

## OPPOSITION

None received

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