



College Athlete Protections - CA

Submitted to NC Fair Treatment of College Athletes Commission
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California Legislation Regarding the Fair Treatment of College Athletes

The National College Players Association (NCPA) successfully sponsored two bills in California that were signed into law that advanced basic protections to college athletes. Each law should be seen as initial steps rather than solutions relative to the fair treatment of college athletes as each has significant shortcomings. In addition, the NCPA sponsored additional legislation in 2017 and 2018 to advance the fair treatment of college athletes.

Assembly Bill 2079 (adopted in 2010) – “The Athletes Right to Know Act”, Sponsored By the NCPA

Summary:

Requires all California institutions of higher education that provide athletic scholarships to post key athletic program policies and cost of attendance information on their web sites to help better inform recruits. Policy disclosures include whether or not a college will pay for out-of-pocket sports related medical expenses, may renew athletic scholarships of permanently injured players, may exercise transfer restrictions, etc.

Shortcomings:

1. This bill lacks enforcement and a number of institutions are currently out of compliance.
2. Some of the policies posted are hidden deep in lengthy text and are difficult to find.
3. Policy disclosures are often too vague to be informative.

Alternative:

1. Require North Carolina colleges to use the NCPA's College Athlete Protection (CAP) Guarantee (or equivalent) instead of/in conjunction with the (voluntary) Letter of Intent currently used to secure agreements with recruits. The Letter of Intent is a one-sided contract that binds a recruit's eligibility to a college but guarantees nothing in return. Alternatively, the CAP Guarantee is an editable agreement that lays out vital protections allowed by the NCAA that each college may or may not choose to guarantee recruits. This would foster transparency in recruiting and follow through for each institution's commitment to its recruits.
2. Include enforcement to prevent/address noncompliance.

Senate Bill 1525 (adopted in 2012) – “The College Athletes Bill of Rights”, Sponsored By the NCPA

Summary:

This law requires colleges with very high athletic revenues (Pac-12 colleges) to use media rights from intercollegiate athletics to provide the following for their athletes:

1. Extend athletic scholarships for up to one year for players who have exhausted their eligibility without completing their degree if they are on a team with a low Graduation Success Rate (GSR).
2. Maintain athletic scholarships of permanently injured players for up to 5 years or degree completion
3. Pay for sports-related medical deductibles for all athletes
4. Pay medical insurance premiums for players from low-income families
5. Implement concussion protocols and supervision guidelines for athletes identified with potentially life threatening health conditions (i.e. sickle cell)
6. Due process rights equal to that of other students at the institution
7. Conduct financial and life skills workshops for all athletes in their first and third year of college.
8. Respond within 7 days to an athletes written transfer request.

Shortcomings:

1. This bill lacks enforcement and transparency; and several of the institutions are currently out of compliance.
2. This bill purposefully set a precedent among colleges with extremely high athletic revenue but does not include colleges that receive significant athletic revenues.
3. The trigger for an extended scholarship intended to improve degree completion uses the extremely low NCAA Graduation Success Rate (GSR) of 60%. GSR's are inaccurate and uninformative; and a 60% graduation rate is too low regardless of any graduation rate metric used.
4. This bill only guarantees sports related medical deductibles - it does not include other out-of-pocket sports-related medical expenses such as copays and coinsurance.
 - a. Sports-related deductibles are only covered for up to two years after athletics eligibility expires instead of the four year standard promised by the PAC-12 Conference.
 - b. Coverage/services for injured former athletes may not be portable so former college athletes that reside out-of-state may be required to pay for transportation, hotel costs to receive sports-related medical services arranged by their former college or forego treatment for their injuries.
5. Allows colleges to "self-police" serious injury prevention and emergency protocols but, as NCPA Executive Director Ramogi Huma's presentation to this commission on 10/3/18 demonstrated, "self-policing" does not work due to a lack of accountability to implement up-to-date best practices and conflicts of interest.
 - a. Example: This law was adopted in 2012 but UC Berkeley admitted negligence in the sickle cell-related death of Ted Agu during off-season football workouts in 2014.

Alternative:

1. Adopt key provisions included in California Assembly Bill 2220 (sponsored by the NCPA in 2018), which was approved by this year's California Assembly (it was not approved by the California Senate):
 - a. Extend provisions to for all colleges athletes participating in athletic programs that generate at least \$10 million in annual.
 - b. Ensure each recruit and current athlete receives a copy of provisions on an annual basis.
 - c. Include enforcement:
 - i. College has 60 days to find mutually acceptable remedy or the current/former athlete can file complaint with the Attorney General or appropriate district attorney or county counsel who have 60 days to pursue legal action.
 - ii. If this legal action is not pursued during this timeframe, the current/former college athletes may pursue civil action for equitable relief and damages from the institution and/or its personnel.
2. Provide an equivalent scholarship for up to one year or until the college athlete completes his or her primary undergraduate degree, whichever is shorter, to a college athlete who was on an athletic scholarship, remains in good standing, has exhausted his or her athletic eligibility, and whose team's Adjusted Graduation Gap is at least 5% lower than that of regular students at his or her institution.
3. Sports-related medical expenses/services for former athletes should be nationally portable.
4. Cover all out-of-pocket sports-related medical expenses for current and former players for a minimum of four years after athletic eligibility expires (deductibles, copays, and coinsurance).

Assembly Bill 1435 – "The College Athlete Protection Act", Sponsored By the NCPA in 2017

Summary:

Establishes a state program led by experts to establish and enforce best health and safety practice standards. It was approved overwhelmingly in the California State Assembly (it was not approved by the California Senate).

1. Identify, mandate, and support best health & safety standards to prevent serious injury, death, and player abuse.
2. Receive and investigate complaints; and fine, suspend, and/or ban violators.
3. Designate athletic staff as mandated reporters of suspected violations.
4. Grant whistleblower protections to those reporting violations in good faith.
5. Approx \$4 million/year (1/2 of 1% of total athletic revenue) paid by athletic program fees can cover all 2-year & 4-year NC colleges and their athletes.

Shortcomings:

1. AB 1435 was in the process of undergoing a few important amendments to correct clarify provisions and address oversights.

Alternatives:

The NCPA can provide model legislation language that includes the amendments to address oversights of in the most recent language.