

AMENDED IN SENATE MAY 29, 2012

AMENDED IN SENATE APRIL 26, 2012

AMENDED IN SENATE MARCH 27, 2012

SENATE BILL

No. 1525

Introduced by Senator Padilla

February 24, 2012

An act to add Part 40.3 (commencing with Section 67450) to Division 5 of Title 3 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1525, as amended, Padilla. Postsecondary education: Student Athlete Bill of Rights.

Existing law provides for a system of postsecondary education in this state. This system includes 4 segments: the University of California, administered by the Regents of the University of California; the California State University, administered by the Trustees of the California State University; the California Community Colleges, administered by the Board of Governors of the California Community Colleges; and independent institutions of higher education.

This bill would enact the Student Athlete Bill of Rights, pursuant to which, commencing with the 2013–14 academic year, intercollegiate athletic programs at 4-year institutions of higher education in the state, as defined, that receive, as an average, \$10,000,000 or more in annual revenue derived from media rights, *as defined*, for intercollegiate athletics, would be required to comply with prescribed requirements. Among other things, the bill would require that, if an athletic program, as defined, does not renew the athletic scholarship of a student athlete, as defined, who suffers an injury resulting from his or her participation

in the athletic program or whose athletic scholarship is not renewed for another nondisciplinary cause, the institution of higher education would provide an equivalent scholarship, as prescribed.

The bill would also require that athletic programs that receive, as an average, \$10,000,000 or more in annual revenue derived from media rights for intercollegiate athletics 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, as specified, for insurance covering claims resulting from their participation in the athletic program. The bill would provide that the athletic program would 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. These provisions would apply for up to 5 years after the date of the injury that is the subject of the claim.

The bill would require that the institutions of higher education to which these provisions relating to equivalent scholarships and insurance coverage apply would rely exclusively on revenue derived from media rights for intercollegiate athletics to defray any costs accrued under these provisions.

These provisions would become inoperative on January 1, 2021.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Part 40.3 (commencing with Section 67450) is
2 added to Division 5 of Title 3 of the Education Code, to read:

3

4 PART 40.3. STUDENT ATHLETE BILL OF RIGHTS

5

6 CHAPTER 1. PREAMBLE

7

8 67450. The Legislature finds and declares all of the following:

9 (a) Meeting the educational needs of student athletes should be
10 a priority for intercollegiate athletic programs.

11 (b) California's institutions of higher education that participate
12 in Division I and Division II intercollegiate athletics collectively
13 generate millions of dollars annually in media contracts, and this
14 revenue would not exist without the efforts of student athletes.

1 (c) Student athletes generate large revenues for many athletic
2 programs, spend approximately 40 hours per week participating
3 in their respective sports, and suffer current and historically low
4 graduation rates.

5 (d) Providing adequate health and safety protection for student
6 athletes can help prevent serious injury and death.

7 (e) Current and former student athletes can be left to pay for
8 medical expenses incurred from injuries suffered while
9 participating in intercollegiate athletics.

10 (f) Institutions of higher education should provide their student
11 athletes with the same due process protection afforded to students
12 who do not participate in athletics.

13 (g) Athletic programs in this state are subject to federal gender
14 equity requirements under Title IX of the Education Amendments
15 of 1972 (20 U.S.C. Sec. 1681 et seq.).

16 (h) An institution of higher education should not punish any
17 student athlete for transferring to another institution of higher
18 education.

19 *(i) An institution of higher education should not use funds for*
20 *purposes of this part that are dedicated for the benefit of the*
21 *general student body.*

22
23 CHAPTER 2. GENERAL PROVISIONS
24

25 67451. For purposes of this part:

26 (a) “Athletic association” means any organization that is
27 responsible for governing intercollegiate athletic programs.

28 (b) “Athletic program” means an intercollegiate athletic program
29 at any institution of higher education within the meaning of
30 subdivision (d).

31 (c) “Graduation rate” means the percentage of student athletes
32 who enroll at an institution of higher education who graduate from
33 that institution within six years of their initial enrollment.

34 (d) “Institution of higher education” means any campus of the
35 University of California or the California State University, or any
36 four-year private university located in California, that maintains
37 an intercollegiate athletic program.

38 *(e) “Media rights” means rights to the live coverage,*
39 *tape-delayed coverage, and postevent footage use of athletic games,*
40 *practices, and interviews; royalties for the use of a player’s*

1 *likeness or uniform, signage, or other sponsorships; and luxury*
2 *box sales.*

3 ~~(e)~~

4 (f) “Student athlete” means any college student who participates
5 in an intercollegiate athletic program of an institution of higher
6 education, and includes student athletes who participate in
7 basketball, football, and other intercollegiate sports.

8 67452. Commencing with the 2013–14 academic year, an
9 athletic program shall comply with all of the following:

10 (a) (1) ~~(A)~~ If an athletic program does not renew an athletic
11 scholarship of a student athlete who has suffered an injury resulting
12 from his or her participation in the athletic program, the institution
13 of higher education shall provide an equivalent scholarship that,
14 combined with the total duration of any previous athletic
15 scholarship or scholarships received by the student athlete, will
16 be provided for a total of up to ~~six~~ *four* academic years or until the
17 student athlete completes his or her undergraduate degree,
18 whichever period is shorter.

19 ~~(B)~~

20 (2) If a student athlete takes a temporary leave of absence from
21 an institution of higher education, the duration of that leave of
22 absence shall not count against the ~~six-year~~ *four-year* limit on
23 eligibility for an equivalent scholarship imposed by ~~subparagraph~~
24 ~~(A)~~ *paragraph (1)*.

25 ~~(2)~~

26 (3) If an athletic program does not renew an athletic scholarship
27 of a student athlete for a nondisciplinary cause other than an injury
28 resulting from his or her participation in the athletic program, the
29 institution of higher education shall provide an equivalent
30 scholarship, except that an athletic program with a graduation rate
31 that is above 60 percent, disaggregated by sport, shall not be subject
32 to the requirements of this paragraph.

33 ~~(3)~~

34 (4) An athletic program may dismiss a student athlete from
35 participation in the program for cause. A student athlete who is
36 dismissed for cause from an athletic program shall receive no
37 benefits under this part, but may appeal this decision within the
38 institution of higher education attended by the student or within
39 the conference or association of which that institution of higher
40 education is a member, as appropriate.

(b) 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.

(c) An institution of higher education 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 his or her participation in the athletic program.

(d) An athletic program shall promptly approve a student athlete's written request to transfer to another institution of higher education without actively or passively imposing any restrictions or conditions. Implementation of this subdivision by an institution of higher education shall include, but not necessarily be limited to, both of the following:

(1) Granting other institutions of higher education permission to contact the student athlete.

(2) Waiving residency requirements, as permitted by athletic association rules.

(e) An institution of higher education that receives, as an average, less than ten million dollars (\$10,000,000) in annual income derived from media rights for intercollegiate athletics, as determined by the Controller, shall not be subject to the requirements of this section.

(f) An institution of higher education 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.

67453. (a) (1) 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 Section 69432.7 for

1 insurance covering claims resulting from their participation in the
2 athletic program.

3 (2) An athletic program shall be responsible for paying the
4 insurance deductible amount applicable to the claim of any student
5 athlete who suffers an injury resulting from his or her participation
6 in the athletic program and makes a claim relating to that injury.

7 (3) This subdivision shall apply for up to five years after the
8 date of the injury that is the subject of the claim.

9 (b) An athletic program shall adopt and implement guidelines
10 to prevent, assess, and treat sports-related concussions and
11 dehydration. In addition, an athletic program shall adopt and
12 implement exercise and supervision guidelines for any student
13 athlete identified with potentially life-threatening health conditions
14 who participates in an athletic program.

15 (c) An institution of higher education that receives, as an
16 average, less than ten million dollars (\$10,000,000) in annual
17 income derived from media rights for intercollegiate athletics, as
18 determined by the Controller, shall not be subject to the
19 requirements of this section.

20 (d) An institution of higher education to which this section
21 applies shall rely exclusively on revenue derived from media rights
22 for intercollegiate athletics to defray any costs accrued under this
23 section.

24 67454. This part shall become inoperative on January 1, 2021.