

AMENDED IN SENATE JULY 15, 2010

AMENDED IN ASSEMBLY MAY 28, 2010

AMENDED IN ASSEMBLY APRIL 12, 2010

AMENDED IN ASSEMBLY MARCH 25, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2079**

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**Introduced by Assembly Members Torlakson and Davis**

February 18, 2010

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An act to add Section 67365 to the Education Code, relating to student athletes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2079, as amended, Torlakson. Student athletes: recruiting.

Existing law prohibits any person from giving, offering, promising, or attempting to give any money or any other thing of value to any particular student athlete or member of the immediate family of the student athlete for purposes of inducing or encouraging the student athlete's application, enrollment, or attendance at a public or private institution of postsecondary education in order to have the athlete participate in intercollegiate sporting events, contests, exhibitions, or programs at that institution, except in accordance with the bylaws of the National Collegiate Athletic Association, as specified.

This bill would define, for purposes of its provisions, a "student athlete" as an individual who resides in California and who attends an elementary, junior high, high school, or postsecondary educational institution, and who participates in any interscholastic athletic program in California, including an individual who receives scholarship funds

for his or her athletic participation and an individual who does not receive scholarship funds for his or her athletic participation. The bill, commencing July 1, 2011, would require any intercollegiate athletic program recruiter from a postsecondary educational institution in the State of California or outside the State of California, within one week of ~~in-person contact with a student athlete or his or her family members,~~ making any offer of an athletic scholarship to a student athlete to provide in writing to the student athlete a disclosure letter or, in the case of a student athlete who has not yet entered grade 11, to direct the student athlete to a disclosure letter that is posted on the institution's Internet Web site, that describes, among other things, the athletic program's policies concerning athletic scholarship issuance, renewal, and cancellation, medical expenses, and academic requirements. The bill would require the athletic program to post this disclosure letter on its Internet Web site. The bill would require, commencing July 1, 2011, that any written scholarship offer made to a student athlete in grade 12 be made within one week of a verbal offer, ~~and would require that this written offer be accompanied by specified information relating to the terms and conditions of the offer.~~ *The bill would require, commencing July 1, 2011, that any verbal scholarship offer made to a student athlete in grade 11 or below be accompanied by specified information.*

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. Section 67365 is added to the Education Code,
- 2 to read:
- 3 67365. (a) For purposes of this section, the following
- 4 definitions shall apply:
- 5 (1) "Athletic program" means any intercollegiate athletic
- 6 program from a postsecondary educational institution in the State
- 7 of California or outside the State of California that solicits student
- 8 athletes to apply, enroll, or attend the postsecondary educational
- 9 institution in order to have the student athlete participate in
- 10 intercollegiate sporting events, contests, exhibitions, or programs
- 11 at that institution.
- 12 (2) "*Collegiate athletic recruiter*" means any individual
- 13 representing a postsecondary educational institution in the State
- 14 of California or outside the State of California for purposes of

1 *soliciting student athletes to apply to, enroll in, or attend the*  
2 *institution in order to have the athlete participate in intercollegiate*  
3 *sporting events, contests, exhibitions, or programs at that*  
4 *institution.*

5 (3) *“Personal contact” means in-person, individualized contact*  
6 *made by a collegiate athletic recruiter for purposes of athletic*  
7 *recruiting with a student athlete or his or her family members.*

8 (2)

9 (4) *“Student athlete” means an individual who resides in*  
10 *California and who attends an elementary, junior high, high school,*  
11 *or postsecondary educational institution, and who participates in*  
12 *any interscholastic athletic program in California, including an*  
13 *individual who receives scholarship funds for his or her athletic*  
14 *participation and an individual who does not receive scholarship*  
15 *funds for his or her athletic participation.*

16 ~~(3) “Personal contact” means in-person, individualized contact~~  
17 ~~made by a collegiate athletic recruiter for purposes of athletic~~  
18 ~~recruiting with a student athlete or his or her family members.~~

19 (b) (1) Commencing July 1, 2011, within one week of ~~any~~  
20 ~~personal contact with a student athlete for purposes of recruiting~~  
21 ~~the student athlete for a collegiate interscholastic athletic program~~  
22 *making any athletic scholarship offer to a student athlete, the*  
23 *collegiate athletic recruiter shall provide in writing to the student*  
24 *athlete a disclosure letter or, in the case of a student athlete who*  
25 *has not yet entered grade 11, shall direct the student athlete to a*  
26 *disclosure letter that is posted on the institution’s Internet Web*  
27 *site. The disclosure letter shall be in substantially the following*  
28 *form:*

29

30

Disclosure Letter

31

32 I. Athletic Scholarship Information (shall not exceed 250 words)

33 (A) The most recent cost of attendance expenses as published  
34 by the postsecondary educational institution’s financial aid offices  
35 for the academic year and for the summer year (amounts listed  
36 separately).

37 (B) The sum of expenses identified in paragraph (A) that are  
38 prohibited from inclusion in a full grant-in-aid athletic scholarship  
39 pursuant to the National Collegiate Athletic Association’s (NCAA)  
40 rules and regulations.

1 (C) The policy of the postsecondary educational institution’s  
2 athletic program as to whether student athletes will receive athletic  
3 scholarships for summer school, and, if so, whether these  
4 scholarships are proportional to athletic scholarships received  
5 during the regular academic school year.

6 (D) The average monthly full grant-in-aid athletic scholarship  
7 payment received by student athletes who live on-campus and  
8 off-campus, respectively, during the regular academic year and  
9 summer school session.

10 (E) *The following information relating to NCAA scholarship*  
11 *rules: “Pursuant to NCAA rules, a verbal commitment is not*  
12 *binding on either the student athlete or the institution. The National*  
13 *Letter of Intent is a binding agreement between a prospective*  
14 *student athlete and an institution in which the institution agrees*  
15 *to provide a prospective student athlete who is admitted to the*  
16 *institution and is eligible for financial aid under NCAA rules*  
17 *athletics aid for one academic year in exchange for the prospective*  
18 *student athlete’s agreement to attend the institution for one*  
19 *academic year. The National Letter of Intent must be accompanied*  
20 *by an institutional financial aid agreement. If the prospective*  
21 *student athlete signs the National Letter of Intent but does not*  
22 *enroll at that institution for a full academic year, he or she may*  
23 *be subject to specific penalties, including loss of a season of*  
24 *eligibility and a mandatory residence requirement.” The*  
25 *information contained in this subparagraph shall not be counted*  
26 *toward the 250-word limitation for this part of the disclosure letter.*  
27

28 II. Athletic Scholarship Renewals (shall not exceed 250 words)

29 (A) The NCAA’s policy on scholarship duration.

30 (B) The policy of the postsecondary educational institution’s  
31 athletic program concerning the renewal or nonrenewal of an  
32 athletic scholarship, including circumstances in which a student  
33 athlete in good standing suffers a temporary or permanent  
34 sports-related injury, there is a coaching change, or a student  
35 athlete’s athletic performance is deemed to be below expectations.  
36

37 III. Athletically Related Medical Expenses (shall not exceed 500  
38 words)

39 (A) The NCAA’s policy on whether athletic programs are  
40 mandated to pay for athletically related medical expenses.

1 (B) The policy of the postsecondary educational institution's  
2 athletic program on whether it will pay for student athletes'  
3 athletically related medical expenses, including deductibles,  
4 copays, coinsurance, and whether the program will pay for  
5 athletically related medical expenses that exceed any maximum  
6 insurance coverage limits.

7 (C) The policy of the institution's athletic program concerning  
8 who is required to pay for any required athletically related  
9 insurance premiums for student athletes who do not have such  
10 insurance.

11 (D) The duration of time the postsecondary educational  
12 institution's athletic program continues to pay for athletically  
13 related medical expenses after a student athlete's athletic eligibility  
14 expires.

15 (E) Whether or not an athletic program's medical policy covers  
16 expenses associated with attaining a second medical opinion for  
17 an athletically related injury from a medical physician that is not  
18 associated with the athletic program, and whether the athletic  
19 program provides coverage for services received by such a  
20 physician.

21

22 IV. Athletic Release (shall not exceed 250 words)

23 (A) The NCAA policy on whether an athletic program may  
24 refuse to grant an athletic release to a student athlete who wishes  
25 to transfer to another postsecondary educational institution.

26 (B) The policy of the postsecondary educational institution's  
27 athletic program concerning whether it may use any power to  
28 refuse to grant an athletic release for a student athlete who wishes  
29 to transfer to another postsecondary educational institution.

30 (2) Commencing July 1, 2011, each interscholastic athletic  
31 program that recruits any student athlete shall prominently post  
32 the disclosure letter described in paragraph (1) on its official  
33 athletic Internet Web site.

34 (3) Changes to any athletic program policy included in a  
35 Disclosure Letter shall be sent in writing to all student athletes, as  
36 well as any athletes currently enrolled in the institution who were  
37 recruited from the State of California.

38 ~~(e) Commencing July 1, 2011, any scholarship offer made to a~~  
39 ~~student athlete shall be made in writing within one week of a verbal~~  
40 ~~offer. If the written offer is sent more than one year in advance of~~

1 ~~the earliest date a student athlete is authorized, pursuant to the~~  
2 ~~rules and regulations of the NCAA, to sign an agreement with an~~  
3 ~~institution's athletic program, the athletic program shall send a~~  
4 ~~subsequent letter stating whether or not the offer is still valid no~~  
5 ~~later than five months prior to the earliest signing period. The~~  
6 ~~initial written offer and, if applicable, subsequent letter shall~~  
7 ~~include at least all of the following information:~~

- 8 ~~(1) The disclosure letter described in subdivision (b).~~  
9 ~~(2) Whether or not the athletic scholarship offer will expire and~~  
10 ~~all terms of any such expiration.~~  
11 ~~(3) Whether or not the athletic program will guarantee that the~~  
12 ~~student athlete's acceptance of the offer prior to any expiration~~  
13 ~~will be honored.~~  
14 ~~(4) A description of the institution's policy for awarding~~  
15 ~~financial aid for summer school.~~  
16 ~~(5) Whether or not the student athlete will be guaranteed~~  
17 ~~admission and full athletic participation at an institution if a specific~~  
18 ~~academic level is achieved during the remainder of the student~~  
19 ~~athlete's high school career, and a description of any such academic~~  
20 ~~level.~~  
21 ~~(6) The terms and the amount of any death benefit provided by~~  
22 ~~the postsecondary educational institution in case of a sports-related~~  
23 ~~death.~~

24 *(c) (1) Commencing July 1, 2011, any scholarship offer made*  
25 *to a student athlete in grade 12 shall be made in writing within*  
26 *one week of a verbal offer.*

27 *(2) Commencing July 1, 2012, if a verbal scholarship offer is*  
28 *made to a student athlete in grade 11 or below, the collegiate*  
29 *athletic recruiter shall provide the following to the student athlete:*

30 *(A) A letter stating whether or not the scholarship offer is still*  
31 *valid no later than five months prior to the earliest signing period.*  
32 *If the scholarship offer is still valid, the letter shall include at least*  
33 *all of the following information:*

- 34 *(i) The disclosure letter described in subdivision (b).*  
35 *(ii) Whether or not the athletic scholarship offer will expire and*  
36 *all terms of any expiration.*  
37 *(iii) Whether or not the athletic program will guarantee that*  
38 *the student athlete's acceptance of the offer prior to any expiration*  
39 *will be honored.*

1 (iv) *A description of the postsecondary educational institution's*  
2 *policy for awarding financial aid for summer school.*

3 (v) *Whether or not the student athlete will be guaranteed*  
4 *admission and full athletic participation at a postsecondary*  
5 *educational institution if a specific academic level is achieved*  
6 *during the remainder of the student athlete's high school career,*  
7 *and a description of that academic level.*

8 (vi) *The terms and the amount of any death benefit provided by*  
9 *the postsecondary educational institution in case of a sports-related*  
10 *death.*

11 (B) *If, pursuant to subparagraph (A), the scholarship offer is*  
12 *still valid, a written offer of an athletic scholarship within the first*  
13 *week of the earliest date a student athlete is authorized, pursuant*  
14 *to the rules and regulations of the NCAA, to enter into an*  
15 *agreement with the postsecondary educational institution's athletic*  
16 *program.*

17 (d) *Nothing in this section shall be construed to require a*  
18 *postsecondary educational institution to revise athletic scholarship*  
19 *contracts entered into prior to the effective date of this bill.*