

AMENDED IN SENATE AUGUST 17, 2010

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

Introduced by Assembly Members Torlakson and Davis

February 18, 2010

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;~~ *scholarships.*

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

~~This bill, commencing July 1, 2011, would require any intercollegiate athletic recruiter from a postsecondary educational institution in the State of California or outside the State of California, within one week of 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; a California postsecondary educational institution that offers athletic scholarships to provide specified information on its Internet Web site that describes, among other things, the institution's athletic program's policies concerning athletic scholarship issuance, renewal, and cancellation; release, and 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. 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.

(2) “Collegiate athletic recruiter” means any individual representing a postsecondary educational institution in the State of California or outside the State of California for purposes of soliciting student athletes to apply to, enroll in, or attend the institution in order to have the athlete participate in intercollegiate sporting events, contests, exhibitions, or programs at that institution.

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

(4)
(2) “Student athlete” means 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.

(b) (1) Commencing July 1, 2011, within one week of making any athletic scholarship offer to a student athlete, the collegiate athletic recruiter shall 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, shall direct the student athlete to a disclosure letter that is posted on the institution’s Internet Web site. The disclosure letter shall be in substantially the following form:

Disclosure Letter

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

(b) Commencing July 1, 2011, a California postsecondary educational institution that offers athletic scholarships shall provide all of the following information on its Internet Web site:

(1) All of the following athletic scholarship information:

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

(B) The sum of expenses identified in paragraph subparagraph (A) that are prohibited from inclusion in a full grant-in-aid athletic

1 scholarship pursuant to the National Collegiate Athletic
2 Association's (NCAA) rules and regulations.

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

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

12 (E) The following information relating to NCAA scholarship
13 rules: "Pursuant to NCAA rules, a verbal commitment is not
14 binding on either the student athlete or the institution. The National
15 Letter of Intent is a binding agreement between a prospective
16 student athlete and an institution in which the institution agrees to
17 provide a prospective student athlete who is admitted to the
18 institution and is eligible for financial aid under NCAA rules
19 athletics aid for one academic year in exchange for the prospective
20 student athlete's agreement to attend the institution for one
21 academic year. The National Letter of Intent must be accompanied
22 by an institutional financial aid agreement. If the prospective
23 student athlete signs the National Letter of Intent but does not
24 enroll at that institution for a full academic year, he or she may be
25 subject to specific penalties, including loss of a season of eligibility
26 and a mandatory residence requirement." ~~The information~~
27 ~~contained in this subparagraph shall not be counted toward the~~
28 ~~250-word limitation for this part of the disclosure letter.~~
29

30 ~~H. Athletic Scholarship Renewals (shall not exceed 250 words)~~

31 (2) *All of the following athletic scholarship renewal information:*

32 (A) The NCAA's policy on scholarship duration.

33 (B) The policy of the postsecondary educational institution's
34 athletic program concerning the renewal or nonrenewal of an
35 athletic scholarship, including circumstances in which a student
36 athlete in good standing suffers a temporary or permanent
37 sports-related injury, there is a coaching change, or a student
38 athlete's athletic performance is deemed to be below expectations.
39

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

(3) All of the following athletically related medical expenses information:

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

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

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

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

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

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

(4) All of the following athletic release information:

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

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

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

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

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

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

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

~~(i) The disclosure letter described in subdivision (b).~~

~~(ii) Whether or not the athletic scholarship offer will expire and all terms of any expiration.~~

~~(iii) Whether or not the athletic program will guarantee that the student athlete's acceptance of the offer prior to any expiration will be honored.~~

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

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

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

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

- 1 ~~(d) Nothing in this section shall be construed to require a~~
- 2 ~~postsecondary educational institution to revise athletic scholarship~~
- 3 ~~contracts entered into prior to the effective date of this bill.~~