

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to enacting the student athlete bill of rights; and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. This act shall be known and may be cited as the "student  
2 athlete bill of rights".  
3 S 2. The Legislature finds and declares the following:  
4 1. Meeting the educational needs of student athletes should be a  
5 priority for intercollegiate athletic programs.  
6 2. New York's institutions of higher education that participate in  
7 Division I and Division II intercollegiate athletics collectively gener-  
8 ate millions of dollars annually in media contracts, and this revenue  
9 would not exist without the efforts of student athletes.  
10 3. Student athletes generate large revenues for many athletic  
11 programs, spend approximately forty hours per week participating in  
12 their respective sports, and suffer current and historically low gradu-  
13 ation rates.  
14 4. Providing adequate health and safety protection for student  
15 athletes can help prevent serious injury and death.  
16 5. Current and former student athletes can be left to pay for medical  
17 expenses incurred from injuries suffered while participating in inter-  
18 collegiate athletics.  
19 6. Institutions of higher education should provide their student  
20 athletes with the same due process protection afforded to students who  
21 do not participate in athletics.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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1 7. Athletic programs in this state are subject to federal gender equi-  
2 ty requirements under Title IX of the Education Amendments of 1972 (20  
3 U.S.C. Sec. 1681 et seq.).

4 8. An institution of higher education should not punish any student  
5 athlete for transferring to another institution of higher education.

6 9. An institution of higher education should not use funds for  
7 purposes of this part that are dedicated for the benefit of the general  
8 student body.

9 S 3. The education law is amended by adding a new section 679-g to  
10 read as follows:

11 S 679-G. COLLEGIATE ATHLETIC SCHOLARSHIP. 1. DEFINITIONS. AS USED IN  
12 THIS SECTION:

13 (A) "ATHLETIC ASSOCIATION" MEANS ANY ORGANIZATION THAT IS RESPONSIBLE  
14 FOR GOVERNING INTERCOLLEGIATE ATHLETIC PROGRAMS.

15 (B) "ATHLETIC PROGRAM" MEANS AN INTERCOLLEGIATE ATHLETIC PROGRAM AT  
16 ANY INSTITUTION OF HIGHER EDUCATION WITHIN THE MEANING OF PARAGRAPH (D)  
17 OF THIS SUBDIVISION.

18 (C) "GRADUATION SUCCESS RATE" MEANS THE PERCENTAGE OF STUDENT ATHLETES  
19 WHO GRADUATE FROM THAT INSTITUTION OF HIGHER EDUCATION WITHIN SIX YEARS  
20 OF THEIR INITIAL ENROLLMENT, EXCLUDING OUTGOING TRANSFERS IN GOOD  
21 ACADEMIC STANDING WITH ATHLETIC ELIGIBILITY REMAINING, AND INCLUDING  
22 INCOMING TRANSFERS. THE RATE IS TO BE CALCULATED BY COMBINING THE RATES  
23 OF THE FOUR MOST RECENT CLASSES THAT ARE AVAILABLE IN THE EXACT MANNER  
24 AS THE RATE IS CALCULATED UNDER NATIONAL COLLEGIATE ATHLETIC ASSOCIATION  
25 RULES.

26 (D) "INSTITUTION OF HIGHER EDUCATION" MEANS ANY CAMPUS OF THE STATE  
27 UNIVERSITY OF NEW YORK, THE CITY UNIVERSITY OF NEW YORK, COMMUNITY  
28 COLLEGES AS DEFINED IN SECTION SIXTY-THREE HUNDRED ONE OF THIS CHAPTER  
29 AND ANY FOUR-YEAR PRIVATE UNIVERSITY LOCATED IN NEW YORK, THAT MAINTAINS  
30 AN INTERCOLLEGIATE ATHLETIC PROGRAM.

31 (E) "MEDIA RIGHTS" MEANS THE RIGHTS TO MEDIA COVERAGE OF INTERCOLLEGI-  
32 ATE ATHLETICS INCLUDED IN CONTRACTS THAT ARE ENTERED INTO BY INTERCOLLE-  
33 GIATE ATHLETIC CONFERENCES AND TELEVISION NETWORKS AND THAT GENERATE  
34 MONETARY PAYMENTS TO INDIVIDUAL INSTITUTIONS OF HIGHER EDUCATION.

35 (F) "STUDENT ATHLETE" MEANS ANY COLLEGE STUDENT WHO PARTICIPATES IN AN  
36 INTERCOLLEGIATE ATHLETIC PROGRAM OF AN INSTITUTION OF HIGHER EDUCATION,  
37 AND INCLUDES STUDENT ATHLETES WHO PARTICIPATE IN BASKETBALL, FOOTBALL,  
38 AND OTHER INTERCOLLEGIATE SPORTS.

39 2. SCHOLARSHIP. COMMENCING WITH THE TWO THOUSAND SIXTEEN--TWO THOUSAND  
40 SEVENTEEN ACADEMIC YEAR, AN ATHLETIC PROGRAM SHALL COMPLY WITH ALL OF  
41 THE FOLLOWING:

42 (A) (1) IF AN ATHLETIC PROGRAM DOES NOT RENEW AN ATHLETIC SCHOLARSHIP  
43 OF A STUDENT ATHLETE WHO SUFFERS AN INCAPACITATING INJURY OR ILLNESS  
44 RESULTING FROM HIS OR HER PARTICIPATION IN THE ATHLETIC PROGRAM, AND THE  
45 INSTITUTION OF HIGHER EDUCATION'S MEDICAL STAFF DETERMINES THAT HE OR  
46 SHE IS MEDICALLY INELIGIBLE TO PARTICIPATE IN INTERCOLLEGIATE ATHLETICS,  
47 THE INSTITUTION OF HIGHER EDUCATION SHALL PROVIDE AN EQUIVALENT SCHOLAR-  
48 SHIP THAT, COMBINED WITH THE TOTAL DURATION OF ANY PREVIOUS ATHLETIC  
49 SCHOLARSHIP OR SCHOLARSHIPS RECEIVED BY THE STUDENT ATHLETE, WILL BE  
50 PROVIDED FOR A TOTAL OF UP TO FIVE ACADEMIC YEARS OR UNTIL THE STUDENT  
51 ATHLETE COMPLETES HIS OR HER UNDERGRADUATE DEGREE, WHICHEVER PERIOD IS  
52 SHORTER. ADDITIONAL YEARS MAY BE PROVIDED AT THE DISCRETION OF THE  
53 INSTITUTION OF HIGHER EDUCATION.

54 (2) IF A STUDENT ATHLETE TAKES A TEMPORARY LEAVE OF ABSENCE FROM AN  
55 INSTITUTION OF HIGHER EDUCATION, THE DURATION OF THAT LEAVE OF ABSENCE

1 SHALL NOT COUNT AGAINST THE FIVE-YEAR LIMIT ON ELIGIBILITY FOR AN EQUIV-  
2 ALENT SCHOLARSHIP AS PROVIDED IN SUBPARAGRAPH ONE OF THIS PARAGRAPH.

3 (3) AN ATHLETIC PROGRAM SHALL PROVIDE AN EQUIVALENT SCHOLARSHIP TO A  
4 STUDENT ATHLETE WHO WAS ON AN ATHLETIC SCHOLARSHIP AND IS IN GOOD STAND-  
5 ING, BUT HAS EXHAUSTED HIS OR HER ATHLETIC ELIGIBILITY, FOR UP TO ONE  
6 YEAR OR UNTIL THE STUDENT ATHLETE COMPLETES HIS OR HER PRIMARY UNDER-  
7 GRADUATE DEGREE, WHICHEVER IS SHORTER; PROVIDED, HOWEVER, THAT AN  
8 ATHLETIC PROGRAM WITH A GRADUATION SUCCESS RATE THAT IS ABOVE SIXTY  
9 PERCENT, DISAGGREGATED BY TEAM, SHALL NOT BE SUBJECT TO THE REQUIREMENTS  
10 OF THIS PARAGRAPH.

11 (4) A STUDENT ATHLETE WHOSE ATHLETIC SCHOLARSHIP IS NOT RENEWED FOR  
12 CAUSE BY AN ATHLETIC PROGRAM SHALL RECEIVE NO BENEFITS UNDER THIS PART,  
13 BUT MAY APPEAL THIS DECISION WITHIN THE INSTITUTION OF HIGHER EDUCATION  
14 ATTENDED BY THE STUDENT OR WITHIN THE ATHLETIC CONFERENCE OR ASSOCIATION  
15 OF WHICH THAT INSTITUTION OF HIGHER EDUCATION IS A MEMBER, AS APPROPRI-  
16 ATE.

17 3. FINANCIAL AND LIFE SKILLS COUNSELING. EACH ATHLETIC PROGRAM SHALL  
18 CONDUCT A FINANCIAL AND LIFE SKILLS WORKSHOP FOR ALL OF ITS FIRST-YEAR  
19 AND THIRD-YEAR STUDENT ATHLETES AT THE BEGINNING OF THE ACADEMIC YEAR.  
20 THIS WORKSHOP SHALL INCLUDE, BUT NOT BE LIMITED TO, INFORMATION CONCERN-  
21 ING FINANCIAL AID, DEBT MANAGEMENT, AND A RECOMMENDED BUDGET FOR FULL-  
22 AND PARTIAL-SCHOLARSHIP STUDENT ATHLETES LIVING ON OR OFF CAMPUS DURING  
23 THE ACADEMIC YEAR AND THE SUMMER TERM BASED ON THE CURRENT ACADEMIC  
24 YEAR'S COST OF ATTENDANCE. THE WORKSHOP SHALL ALSO INCLUDE INFORMATION  
25 ON TIME MANAGEMENT SKILLS NECESSARY FOR SUCCESS AS A STUDENT ATHLETE,  
26 AND ACADEMIC RESOURCES AVAILABLE ON CAMPUS.

27 4. DISCIPLINARY ACTIONS. AN INSTITUTION OF HIGHER EDUCATION SHALL  
28 GRANT A STUDENT ATHLETE THE SAME RIGHTS AS OTHER STUDENTS WITH REGARD TO  
29 ANY AND ALL MATTERS RELATED TO POSSIBLE ADVERSE OR DISCIPLINARY ACTIONS,  
30 INCLUDING, BUT NOT NECESSARILY LIMITED TO, ACTIONS INVOLVING ATHLET-  
31 ICALLY RELATED FINANCIAL AID.

32 5. REQUEST FOR TRANSFER. AN ATHLETIC PROGRAM SHALL RESPOND WITHIN  
33 SEVEN BUSINESS DAYS WITH AN ANSWER TO A STUDENT ATHLETE'S WRITTEN  
34 REQUEST TO TRANSFER TO ANOTHER INSTITUTION OF HIGHER EDUCATION.

35 6. INSURANCE. (A) UNLESS A STUDENT ATHLETE DECLINES THE PAYMENT OF  
36 PREMIUMS, AN ATHLETIC PROGRAM SHALL BE RESPONSIBLE FOR PAYING THE PREMI-  
37 UMS OF EACH STUDENT ATHLETE WHOSE HOUSEHOLD HAS AN INCOME AND ASSET  
38 LEVEL THAT DOES NOT EXCEED THE FEDERAL POVERTY LEVEL, AS ADJUSTED ANNU-  
39 ALLY, FOR INSURANCE COVERING CLAIMS RESULTING FROM THE STUDENT ATHLETE'S  
40 PARTICIPATION IN THE ATHLETIC PROGRAM.

41 (B) AN ATHLETIC PROGRAM SHALL BE RESPONSIBLE FOR PAYING THE INSURANCE  
42 DEDUCTIBLE AMOUNT APPLICABLE TO THE CLAIM OF ANY STUDENT ATHLETE WHO  
43 SUFFERS AN INJURY RESULTING FROM HIS OR HER PARTICIPATION IN THE ATHLET-  
44 IC PROGRAM AND MAKES A CLAIM RELATING TO THAT INJURY.

45 (C) IF A STUDENT ATHLETE SUFFERS AN INJURY RESULTING FROM HIS OR HER  
46 PARTICIPATION IN THE ATHLETIC PROGRAM THAT REQUIRES ONGOING MEDICAL  
47 TREATMENT, THE ATHLETIC PROGRAM SHALL PROVIDE, FOR A MINIMUM OF TWO  
48 YEARS FOLLOWING THE STUDENT ATHLETE'S GRADUATION OR SEPARATION FROM THE  
49 INSTITUTION OF HIGHER EDUCATION, ONE OF THE FOLLOWING:

50 (1) ALL MEDICAL TREATMENT NECESSARY FOR TREATMENT OF THE STUDENT  
51 ATHLETE'S INJURY OR CONDITION; OR

52 (2) HEALTH INSURANCE IN AN AMOUNT SUFFICIENT TO PROVIDE COVERAGE FOR  
53 ALL MEDICAL TREATMENT NECESSARY FOR TREATMENT OF THE STUDENT ATHLETE'S  
54 INJURY OR CONDITION, TOGETHER WITH ALL RESULTING DEDUCTIBLE AMOUNTS.

1 (D) THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO PRE-EXISTING  
2 MEDICAL CONDITIONS THAT PRE-DATE THE STUDENT ATHLETE'S PARTICIPATION IN  
3 THE ATHLETIC PROGRAM.

4 7. GUIDELINES. AN ATHLETIC PROGRAM SHALL ADOPT AND IMPLEMENT GUIDE-  
5 LINES TO PREVENT, ASSESS, AND TREAT SPORTS-RELATED CONCUSSIONS AND DEHY-  
6 DRATION. IN ADDITION, AN ATHLETIC PROGRAM SHALL ADOPT AND IMPLEMENT  
7 EXERCISE AND SUPERVISION GUIDELINES FOR ANY STUDENT ATHLETE IDENTIFIED  
8 WITH POTENTIALLY LIFE-THREATENING HEALTH CONDITIONS WHO PARTICIPATES IN  
9 AN ATHLETIC PROGRAM.

10 8. APPLICABILITY. (A) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY  
11 TO AN INSTITUTION OF HIGHER EDUCATION THAT RECEIVES, AS AN AVERAGE, LESS  
12 THAN TEN MILLION DOLLARS IN ANNUAL INCOME DERIVED FROM MEDIA RIGHTS FOR  
13 INTERCOLLEGIATE ATHLETICS.

14 (B) AN INSTITUTION OF HIGHER EDUCATION SUBJECT TO THE PROVISIONS OF  
15 THIS SECTION SHALL RELY EXCLUSIVELY ON REVENUE DERIVED FROM MEDIA RIGHTS  
16 FOR INTERCOLLEGIATE ATHLETICS TO DEFRAY ANY COSTS ACCRUED UNDER THIS  
17 SECTION.

18 S 4. This act shall take effect immediately and shall expire and be  
19 deemed repealed on June 30, 2026.