

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 1272
Appropriations

(Delegate Rosenberg)

Maryland College Sports Fans and Athletes Bill of Rights

This bill establishes that the final decision regarding a public four-year institution's membership or association with the National Collegiate Athletic Association (NCAA) or in an athletic conference rests solely with its respective governing board. The bill also establishes the *Student Athletes Bill of Rights*, which specifies rights for certain student athletes at institutions of higher education in the State and specifies responsibilities for those institutions.

Provisions relating to the *Student Athletes Bill of Rights* are contingent on a majority of specified states taking action.

Fiscal Summary

State Effect: Establishing that the final decision for a public four-year institution to change athletic conferences rests with specified bodies does not affect State finances. Not all public four-year institutions of higher education receive revenue derived from media rights for intercollegiate athletics; thus, in the event that the *Student Athletes Bill of Rights* passes in other states, those institutions will not be able to defray costs from that source. However, any increase in expenditures is not anticipated to be significant.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill's provisions relating to a final decision to join an athletic conference apply to the constituent institutions of the University System of Maryland (USM), Morgan State University (MSU), and St. Mary's College of Maryland (SMCM).

Student Athletes Bill of Rights

“Athletic association” is defined as any organization that is responsible for governing intercollegiate athletic programs. “Athletic program” is defined as an intercollegiate athletic program at an institution of higher education. “Student athlete” is defined as any college student who participates in an intercollegiate athletic program of an institution of higher education.

Specifically, a student athlete at a public institution of higher education in the State whose athletic scholarship is not renewed for cause by an athletic program may not receive benefits under the bill. However, the student athlete may appeal a decision to deny benefits as appropriate to (1) the judicial authority established by the institution the student attends to resolve student grievances or (2) the athletic conference or association of which the public institution of higher education that the student attends is a member.

A public institution of higher education must grant a student athlete the same rights as other students with regard to matters related to possible adverse or disciplinary actions, including actions involving athletically related financial aid. In addition, an athletic program must respond within seven business days with an answer to a student athlete's written request to transfer to another institution of higher education. Finally, a public institution of higher education to which this bill applies must rely exclusively on revenue derived from media rights for intercollegiate athletics to defray any costs accrued under the bill.

The *Student Athletes Bill of Rights* takes effect when the Secretary of Higher Education certifies to the Legislative Policy Committee that a majority of the states represented by the members of the athletic conference to which a public institution of higher education belongs have enacted a law that is in substantial conformity to the provisions of the *Student Athletes Bill of Rights*.

Current Law: The authority to make a final decision on a public four-year institution's membership or association with the NCAA or in an athletic conference is not explicitly established within statute. However, USM advises that the approval for an institution to change athletic conferences is the purview of the constituent institution and its president.

Student athletes have no explicit rights in statute beyond those granted all students. Institutions of higher education have no explicit responsibilities regarding student athletes.

Institutions of higher education are institutions that generally limit enrollment to high school graduates and award associate, baccalaureate, or graduate degrees.

Background: The USM Board of Regents announced on November 19, 2012, that the University of Maryland, College Park Terrapins will be leaving the Atlantic Coast Conference (ACC) for the Big Ten Conference starting with the 2014-2015 season. Two closed meetings were held on November 18 and 19 to discuss the matter before officials announced the Big Ten move to the public. In both cases, there was no public notice or public vote to go into closed session – a violation of the open meetings law, as the State’s Open Meetings Compliance Board found in a report issued on February 26, 2013.

In November 2012, California enacted a *Student Athletes Bill of Rights*, which guarantees continuing education support for players at schools with graduation rates under 60%, makes schools pay for insurance premiums, and covers medical expenses for players up to two years after they exhaust their eligibility. The California law is only applicable to schools that receive at least \$10 million annually in media rights, specifically targeting four Pacific-12 Conference schools. Similar bills have been introduced in Oklahoma, Iowa, and Indiana, so far without success.

Additional Information

Prior Introductions: None.

Cross File: SB 964 (Senator Rosapepe) - Rules.

Information Source(s): Maryland Higher Education Commission, Morgan State University, *The Washington Post*, *Athletic Scholarship*, University System of Maryland, Department of Legislative Services

Fiscal Note History: First Reader - March 10, 2013
ncs/rhh

Analysis by: Caroline L. Boice

Direct Inquiries to:
(410) 946-5510
(301) 970-5510