

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 SENATE BILL 2107

By: Johnson (Constance)

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5
6 AS INTRODUCED

7 An Act relating to higher education; creating the
8 Student-Athlete Bill of Rights; providing short
9 title; providing definitions; requiring all athletic
10 scholarships to be renewed if certain standards are
11 maintained; requiring institutions of higher
12 education to provide equivalent academic scholarships
13 if athletic scholarships are not renewed; requiring
14 scholarships to be provided for certain number of
15 years; mandating certain health screenings for
16 student-athletes; directing athletic programs to
17 develop certain programs; requiring implementation of
18 supervision guidelines for student-athletes with
19 certain health conditions; directing athletic
20 programs to provide financial and life skills
21 workshop to certain student-athletes; declaring
22 certain agreements to be binding on athletic programs
23 and prospective student-athletes; requiring athletic
24 programs to allow certain contact with student-
athletes interested in transferring; requiring the
approval of all student-athlete transfer requests;
directing institutions of higher education to treat
all students the same for certain purposes; requiring
athletic programs which receive a certain amount of
television revenue to comply with certain
requirements; requiring certain amount of funds be
set aside to pay medical insurance plan premiums;
providing that funds not used for certain purpose be
used to pay former student-athlete medical expenses;
directing funds to be provided in order of claims
submitted; prohibiting funds from being used to
reduce student-athlete medical expenditures;
providing for adjustment of certain funds; allowing
for unutilized funds to be available for other
purposes after certain time period; providing that
institutions of higher education shall be liable for

1 certain medical expenses; providing a fine for
2 institutions that fail to comply with certain
3 requirements; requiring fines be paid by certain
4 date; providing a late fee; directing athletic
5 programs to deposit certain amount of funds into a
6 trust fund; providing certain distribution of funds
7 deposited in certain trust fund; providing manner in
8 which funds shall be disbursed; declaring ineligible
9 certain former student-athletes; providing for the
10 assessment of a fee; providing for adjustment of
11 certain fee; requiring equal funds be disbursed to
12 all qualified recipients; providing for direct
13 payments on behalf of certain qualified recipients;
14 directing the State Regents to administer certain
15 trust fund according to certain provisions; providing
16 time period in which eligibility shall be determined;
17 requiring the withholding and payment of certain
18 taxes by State Regents; directing State Regents to
19 develop certain system for submission of fees;
20 providing the portion of funds that shall be
21 disbursed to certain former student-athletes;
22 requiring certain information be made public;
23 directing the payment of fees by certain date;
24 providing that an equal amount of funds be spent on
compliance with certain federal law; providing a fine
for non-compliance; creating a trust fund to be known
as the Student-Athlete Bill of Rights Trust Fund;
providing monies that comprise the trust fund;
prohibiting certain uses for income and interest on
principal; providing for codification; providing an
effective date; and declaring an emergency.

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 NEW LAW A new section of law to be codified in the
20 Oklahoma Statutes as Section 821.10 of Title 70, unless there is
21 created a duplication in numbering, reads as follows:

22 This act shall be known and may be cited as the "Student-Athlete
23 Bill of Rights".
24

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 821.11 of Title 70, unless there
3 is created a duplication in numbering, reads as follows:

4 For purposes of the Student-Athlete Bill of Rights:

5 1. "Athletic program" means any intercollegiate athletic
6 program operating at an institution of higher education in this
7 state;

8 2. "Athletic association" means any organization that is
9 responsible for governing intercollegiate athletic programs;

10 3. "Student-athlete" means any college student who participates
11 in an institution of higher education's intercollegiate athletic
12 program;

13 4. "Cost of attendance" means an institution of higher
14 education's total annual in-state tuition and fees, room, board,
15 books and all other expenses officially reported to the United
16 States Department of Education associated with attendance at an
17 institution of higher education;

18 5. "Athletic scholarship shortfall" means the difference
19 between an institution of higher education's cost of attendance and
20 the sum of a full grant-in-aid athletic scholarship plus any
21 stipend, excluding summer school, pre-season, post-season,
22 tournament, and expense payments; and

23 6. "Qualifying former football and men's basketball student-
24 athletes" means individuals determined by the State Regents to meet

1 criteria established by the Regents to receive funds from the
2 Student-Athlete Bill of Rights Trust Fund.

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 821.12 of Title 70, unless there
5 is created a duplication in numbering, reads as follows:

6 A. The State Regents for Higher Education shall ensure that all
7 athletic programs:

8 1. Renew each athletic scholarship at an amount that is no less
9 than the previous year as long as the athletic scholarship recipient
10 maintains good academic, disciplinary, and participation standards.
11 If a student-athlete's athletic scholarship is not renewed for
12 reasons other than failure to maintain good academic, disciplinary,
13 or participation standards, then the institution of higher education
14 shall provide an equivalent scholarship that, combined with the
15 total duration of the previous athletic scholarship received by the
16 student-athlete, shall be provided for at least five (5) years or
17 until the student-athlete receives his or her undergraduate degree,
18 whichever is shorter, as long as the student-athlete maintains the
19 academic performance level required of student-athletes receiving
20 athletic scholarships;

21 2. Conduct health screenings of all incoming student-athletes
22 prior to allowing any student-athlete to participate in athletic
23 competition or training; the screenings shall include, but are not
24 limited to, screening for the sickle cell trait and heart

1 abnormalities. Athletic programs shall also adopt and implement a
2 program to prevent, assess, and treat sports-related concussions and
3 dehydration;

4 3. Adopt and implement exercise and supervision guidelines for
5 any student-athlete identified with a potentially life-threatening
6 health condition; and

7 4. Conduct a financial and life skills workshop for all of
8 first-year and third-year student-athletes at the beginning of the
9 academic year. The workshop shall include, but is not limited to,
10 information concerning financial aid, debt management, interest
11 rates, personal credit scores, and a recommended budget for full and
12 partial scholarship student-athletes living on and off campus during
13 the academic school year and the summer based on the current year's
14 cost of attendance. The workshop shall also include information on
15 time management skills necessary for success as a student-athlete,
16 available academic resources on campus, and the value of building
17 relationships with the non-athletic campus community. Athletic
18 programs that pay any of the fees described in Section 4 of this act
19 shall provide relevant financial guidance to the student-athletes
20 that may become eligible to receive funds.

21 B. Any written agreement concerning athletic scholarships or
22 grants-in-aid signed by both an athletic director and a student-
23 athlete shall be legally binding on the institution of higher
24 education.

1 C. Athletic programs shall grant any other institution of
2 higher education's request to contact a student-athlete according to
3 the athletic program's athletic association's rules. The student-
4 athlete interested in transferring to another institution of higher
5 education shall make a request in writing to be contacted by another
6 institution of higher education. Athletic programs shall approve
7 all student-athletes' written requests to transfer to another
8 institution of higher education without any restrictions,
9 conditions, or residency requirements.

10 D. Institutions of higher education shall provide student-
11 athletes the same rights as other students in all administrative
12 proceedings regarding student conduct.

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 821.13 of Title 70, unless there
15 is created a duplication in numbering, reads as follows:

16 A. Except as otherwise provided, any athletic program that
17 issues athletic scholarships and receives at least Ten Million
18 Dollars (\$10,000,000.00) in annual television revenue shall:

19 1. Provide Five Hundred Thousand Dollars (\$500,000.00) each
20 year for the purpose of purchasing health insurance plans to cover
21 all student-athletes. Any funds not expended on health insurance
22 premiums shall pay for medical expenses of former student-athletes
23 who suffered a sports-related injury while participating in the
24

1 athletic program. Funds shall be made available to former student-
2 athletes in the order of claims submitted to the athletic program.

3 a. Funds required to be paid to purchase health insurance
4 plans shall be in addition to current levels of
5 funding for student-athlete medical expenditures or
6 health benefits provided to or on behalf of student-
7 athletes by an athletic program as of the effective
8 date of this act. The amount of funds required in
9 this section shall be adjusted annually based on the
10 United States Bureau of Labor Statistics' medical care
11 index.

12 b. Institutions of higher education that do not comply
13 with provisions of this subsection shall be held
14 liable for medical expenses incurred by student-
15 athletes which would have been covered by the purchase
16 of a health insurance plan as provided in this
17 subsection and shall pay a fine of Five Hundred
18 Dollars (\$500.00) for each day that student-athletes
19 are not covered by a health insurance plan beginning
20 August 1, 2015. All fines are due by the state's
21 regular tax deadline for institutions of higher
22 education, and a late fee of five percent (5%) per
23 business day will be assessed for each day that the
24 fine is not paid;

1 2. Pay to the Student-Athlete Bill of Rights Trust Fund an
2 annual fee equal to fifty percent (50%) of the cost of attendance
3 multiplied by the total number of football and men's basketball
4 student-athletes that receive an athletic scholarship. The State
5 Regents shall determine by August 1, 2013, and each year thereafter
6 by August 1, the amount of funds deposited in the trust fund by each
7 institution of higher education and the number of qualifying former
8 football and men's basketball student-athletes. The amount of funds
9 deposited by each institution shall be divided equally among all
10 qualified former football and basketball student-athletes. Funds
11 provided to former football and men's basketball student-athletes
12 who have not completed their undergraduate degree shall be used, up
13 to the annual cost of attendance, to continue their education; any
14 funds remaining after the cost of attendance is paid shall be
15 disbursed directly to the former student athlete. All other
16 qualifying former football and men's basketball student-athletes
17 whose athletic eligibility is exhausted shall receive the total
18 portion of funds to which they are entitled.

19 a. Funds distributed to eligible former football and
20 men's basketball student-athletes pursuing their
21 undergraduate degree shall be in the form of
22 reimbursements for all expenses required by the
23 institution of higher education at which they are
24 enrolled including tuition, fees, and books. Funds

1 for all other expenses including room, board, and
2 incidentals shall be disbursed in monthly installments
3 for the duration of the academic school year. In
4 addition, qualifying former football and men's
5 basketball student-athletes can opt to receive funds
6 for classes they are enrolled in during any summer
7 and/or winter session that takes place outside of the
8 regular academic school year.

9 b. Funds distributed to former football and men's
10 basketball student-athletes who have completed an
11 undergraduate degree shall be paid in twelve (12)
12 equal monthly installments after their eligibility to
13 receive funds from the trust fund is officially
14 verified by the State Regents.

15 c. Former football and men's basketball student-athletes
16 that were declared ineligible by an intercollegiate
17 association or athletic program and lost at least one
18 season of athletic eligibility for disciplinary
19 reasons shall not be eligible for any of the funds
20 described in this section; and

21 3. Be assessed an annual fee based on the program's athletic
22 scholarship shortfall. The annual fee shall equal the athletic
23 scholarship shortfall amount as defined in this act plus interest
24 based on each year's unsubsidized federal Stafford Loan interest

1 rate multiplied by the total number of football and men's basketball
2 athletic scholarship issued during the academic school year.
3 Athletic programs shall pay the annual fee to the Athlete Bill of
4 Rights Trust Fund.

5 B. The trust fund shall be administered by the State Regents
6 with the following provisions:

7 1. Qualifying former football and men's basketball student-
8 athletes shall authorize their respective institutions of higher
9 education to provide all necessary information to the State Regents
10 to verify their state trust fund eligibility and for the proper
11 distribution of funds. Within fifteen (15) days of receiving
12 authorization from their former football and men's basketball
13 student-athletes, institutions of higher education shall provide the
14 information necessary for the State Regents to evaluate former
15 football and men's basketball student-athletes' eligibility;

16 2. Prior to distributing funds to qualifying former football
17 and men's basketball student-athletes, the State Regents shall
18 deduct any estimated state and federal taxes. The State Regents
19 shall send all estimated taxes to the appropriate government tax
20 collection agency on behalf of the recipient;

21 3. The State Regents shall develop a system for which
22 institutions of higher education shall submit fees to the trust fund
23 pursuant to the provisions in this act;

24

1 4. Qualifying former football and men's basketball student-
2 athletes shall receive funds as provided in this section in
3 proportion to the fees collected from their respective institutions
4 of higher education and prorated according to the number of years
5 the student-athlete received an athletic scholarship; and

6 5. The trust fund shall make public the amount of fees
7 collected from each institution of higher education athletic
8 program, the amount distributed to qualifying former student-
9 athletes, and shall submit a detailed report to the Legislature
10 every three (3) years.

11 C. Athletic programs receiving less than Ten Million Dollars
12 (\$10,000,000.00) in annual television revenue may submit a waiver
13 application to the State Regents and upon verification of the amount
14 of annual television revenue received shall not be required to
15 comply with the requirements of this act.

16 D. Athletic programs shall pay all fees required by this act by
17 June 1 of each year beginning with June 1, 2015. Each athletic
18 program shall pay a late fee of Fifteen Thousand Dollars
19 (\$15,000.00) for each day after the deadline that the fees remain
20 unpaid. All fines shall be paid directly to the trust fund and
21 shall be distributed equally among the eligible fund recipients.

22 SECTION 4. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 821.14 of Title 70, unless there
24 is created a duplication in numbering, reads as follows:

1 A. An amount equal to the annual fee paid by an institution of
2 higher education as provided in paragraph 2 of subsection A of
3 Section 4 of this act shall be expended exclusively for achieving
4 compliance with Title IX of Education Amendments of 1972, Title 20
5 United States Code, Sections 1681 through 1688. If Title IX
6 compliance in athletics is achieved for a period of four (4)
7 consecutive years at an institution of higher education, then the
8 institution of higher education shall not be subject to the terms of
9 this subsection.

10 B. Institutions of higher education that do not comply with
11 this section shall pay a fine of One Thousand Dollars (\$1,000.00)
12 for each day out of compliance. All fines are due by the state's
13 regular tax deadline for institutions of higher education, and a
14 late fee of five percent (5%) per day shall be assessed for each day
15 that the fine is not paid.

16 SECTION 5. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 821.15 of Title 70, unless there
18 is created a duplication in numbering, reads as follows:

19 A. There is hereby created a trust fund to be known as the
20 "Student-Athlete Bill of Rights Trust Fund". The Oklahoma State
21 Regents for Higher Education shall be the trustees of the Trust
22 Fund.

23 B. The State Regents shall utilize the Trust Fund to implement
24 the provisions of this act.

1 C. The Trust Fund principal shall consist of monies the
2 Legislature appropriates or transfers to the Oklahoma State Regents
3 for Higher Education for the Trust Fund, the fees collected pursuant
4 to Section 4 of this act, any fines collected pursuant to this act
5 and any monies or assets contributed to the Trust Fund from any
6 other source, public or private. Trust Fund principal shall not be
7 diminished for any reason except as provided in this act.

8 D. Notwithstanding other provisions of law, income and
9 investment return on Trust Fund principal shall accrue to the Trust
10 Fund for use as provided by authorization of the trustees for the
11 purposes provided in this act. No such income or investment return
12 shall be used for administrative expenses; expenses incurred by the
13 State Regents in the administration of the Trust Fund shall be paid
14 from monies appropriated to the State Regents' coordinating board
15 for their general operating budget.

16 SECTION 6. This act shall become effective July 1, 2014.

17 SECTION 7. It being immediately necessary for the preservation
18 of the public peace, health and safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

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