

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 335
PROPOSED HOUSE COMMITTEE SUBSTITUTE S335-PCS45475-BE-29

Short Title: Study/Fair Treatment of College Athletes. (Public)

Sponsors:

Referred to:

March 22, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE LEGISLATIVE COMMISSION ON THE FAIR TREATMENT
3 OF COLLEGE STUDENT-ATHLETES AND TO CREATE A THREE-YEAR PILOT
4 PROGRAM FOR NEW EDUCATOR PREPARATION PROGRAMS.

5 Whereas, college athletics is a multimillion dollar industry across the United States;
6 and

7 Whereas, college athletics in North Carolina is a major economic and entertainment
8 resource through which the State, local governments, the business community, and public
9 educational institutions financially benefit; and

10 Whereas, most of the constituent institutions of The University of North Carolina
11 participate in athletic competitions in North Carolina and around the country in a wide range of
12 sports; and

13 Whereas, these athletic teams at each constituent institution are comprised of
14 individually enrolled full-time students; and

15 Whereas, these students, participating on athletic teams provided as extracurricular
16 activities for them, are enrolled for the primary purpose of receiving a college education
17 subsidized in part by the taxpayers of North Carolina; and

18 Whereas, while receiving the benefits of playing competitive collegiate sports and in
19 some cases financial assistance for the cost of attending college, these students in return
20 commit a substantial amount of time, talent, and resources for the benefit (both financially and
21 promotionally) of the institutions they compete for as well as organizations and businesses
22 profiting from their athletic competition; and

23 Whereas, numerous issues and court cases have arisen around the country and in
24 North Carolina pertaining to the system of college athletics, its governance, and control by
25 membership organizations, including, but not limited to, the National Collegiate Athletic
26 Association, and to concerns over the welfare and operation of the system to the long-term
27 detriment of the students participating in college athletics; and

28 Whereas, the General Assembly of North Carolina has a responsibility to the young
29 men and women enrolled in the State institutions of higher learning within the University of
30 North Carolina System to ensure fairness and equal opportunity in all aspects of their
31 experience but in particular while participating in athletic activities for these institutions and to
32 take appropriate legislative action where needed to ensure fairness and equal opportunity; Now,
33 therefore,

34 The General Assembly of North Carolina enacts:

35 **SECTION 1.(a)** The Legislative Commission on the Fair Treatment of College
36 Student-Athletes is created. The purpose of the Commission is to examine the needs and



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1 concerns of college students participating in athletics on behalf of the constituent institutions of
2 The University of North Carolina and to propose appropriate legislation where needed to
3 implement the objectives of this Commission.

4 **SECTION 1.(b)** The Commission shall consist of six members of the Senate,
5 appointed by the President Pro Tempore of the Senate with political parties represented in
6 proportion to the legislative makeup, and six members of the House of Representatives,
7 appointed by the Speaker of the House of Representatives with political parties represented in
8 proportion to the legislative makeup.

9 Vacancies on the Commission shall be filled by the same appointing authority that
10 made the initial appointment.

11 **SECTION 1.(c)** The Lieutenant Governor shall be an ex officio voting member
12 and shall also serve as the chair of the Commission. The Commission shall meet upon the call
13 of the chair.

14 **SECTION 1.(d)** A quorum shall be a majority of the Commission members.

15 **SECTION 2.** The Commission shall study issues related to the provision of health
16 insurance, sports injuries and nonsports injuries, and profit-sharing for student athletes. In its
17 study, the Commission shall consider all of the following:

- 18 (1) Physical and mental health and safety concerns arising out of participation in
19 athletic competition or resulting from injuries sustained during athletic
20 competition, including, but not limited to, concussions and other
21 life-impacting injuries.
- 22 (2) Long-term physical and mental health and wellness issues grounded in
23 participation in athletic competition but not manifesting until later in an
24 athlete's life and the ability of former athletes to receive adequate long-term
25 treatment for these issues.
- 26 (3) The need for full-time enrolled college students to have adequate time to
27 devote to educational responsibilities separate and apart from time demands
28 for athletic competition.
- 29 (4) Educational opportunities for choosing majors and classes consistent with
30 the nonathletic participating students' opportunities at a constituent
31 institution, including, but not limited to, academic choices and
32 extracurricular abilities to participate in internships and study abroad.
- 33 (5) The right to receive academic instruction from qualified faculty members at
34 the constituent institutions and to be taught at an academic level consistent
35 with the standards of accredited higher education institutions.
- 36 (6) The right to a fair and impartial hearing and the right to be independently
37 represented before being disciplined for alleged eligibility rules violations by
38 any school, conference, or membership association governing participation
39 in college athletics.
- 40 (7) In exchange for his or her participation on behalf of any constituent
41 institution, a fair and adequate financial aid or scholarship assistance
42 package to the extent financial aid or scholarship sources are provided to
43 selected students in exchange for their participation on institutional athletic
44 teams.
- 45 (8) Consideration of remuneration or profit-sharing for student athletes for the
46 use by institutional or commercial entities of the students' image, or other
47 identifiable source, such as television rights or collegiate apparel that
48 produce commercial profit for the institutions, membership associations, or
49 commercial entities.
- 50 (9) The right of students participating in college athletics to be adequately
51 represented by attorneys, agents, or financial advisors throughout their

1 college careers (as do all other students) without being subject to losing their
2 eligibility to participate in college athletics.

3 (10) A review of regulatory rules and punishments imposed on student athletes
4 by any governing membership organization, including, but not limited to, the
5 National Collegiate Athletic Association, that limits a student's ability to
6 transfer between schools, or participate on college athletic teams by
7 restricting the student's ability to engage in outside work or compensatory
8 services.

9 (11) The obligation of the university to provide the means for a student-athlete to
10 finish their academic requirements to obtain an undergraduate degree after
11 their athletic eligibility or athletic scholarship has expired.

12 (12) Any other issue the Commission deems relevant based on testimony or
13 evidence presented to the Commission.

14 **SECTION 3.** The Commission, while in the discharge of its official duties, may
15 exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.
16 The Commission may meet in the Legislative Building or the Legislative Office Building.
17 Members of the Commission shall receive subsistence and travel expenses at the rates set forth
18 in G.S. 120-3.1 or G.S. 138-6 as appropriate.

19 The Legislative Services Commission, through the Legislative Services Officer,
20 shall assign professional staff to assist the Commission in its work. The Senate shall assign
21 clerical staff to the Commission, and the expenses relating to the clerical employees shall be
22 borne by the Commission. The Commission may contract for professional, clerical, or
23 consultant services, as provided by G.S. 120-32.02.

24 **SECTION 4.** The Commission shall submit an interim report on the results of its
25 study, including any proposed legislation, by December 1, 2017, to the members of the Senate
26 and the House of Representatives by filing a copy of the report with the Office of the President
27 Pro Tempore of the Senate, the Office of the Speaker of the House of Representatives, and the
28 Legislative Library. The Commission shall submit a final report on the results of its study,
29 including any proposed legislation, by April 1, 2018, to the members of the Senate and the
30 House of Representatives, by filing a copy of the report with the Office of the President Pro
31 Tempore of the Senate, the Office of the Speaker of the House of Representatives, and the
32 Legislative Library. The Commission shall terminate upon the convening of the 2019 General
33 Assembly or upon the filing of its final report, whichever occurs first.

34 **SECTION 5.** The State Board of Education shall establish a three-year Educator
35 Preparation Pilot Program to operate from the 2017-2018 school year through the 2019-2020
36 school year. Upon the recommendation of the Superintendent of Public Instruction, the State
37 Board shall select up to two new Educator Preparation Programs (EPPs) to be part of the
38 program by October 1, 2017. These EPPs shall be deemed recognized EPPs under
39 G.S. 115C-269.1(15) for the duration of the pilot period and shall be permitted to recommend
40 clinical residency candidates for licensure without receiving State approval under
41 G.S. 115C-269.10. During the course of the pilot program, each pilot EPP shall meet all other
42 requirements of Article 17D of Chapter 115C of the General Statutes. In order to be eligible for
43 the pilot program, an EPP shall meet the following criteria:

44 (1) Meet the criteria for approval established in G.S. 115C-269.15,
45 115C-269.20, and 115C-269.25.

46 (2) Have a demonstrated track record of success with clearly demonstrated
47 results as an EPP in other states.

48 (3) Have CAEP accreditation or be in the process of attaining CAEP
49 accreditation in North Carolina or another state.

1 Each pilot EPP's recognized EPP status will expire on June 30, 2020. In order for
2 the pilot EPPs to regain recognized status, they must meet all requirements of Article 17D of
3 Chapter 115C of the General Statutes.

4 **SECTION 6.** Section 5 is effective when Senate Bill 599, 2017 Regular Session,
5 becomes law. The remainder of this act becomes effective July 1, 2017.