

**Kristen F. Soares**  
PRESIDENT



June 18, 2018

The Honorable Ben Allen  
Chair, Senate Education Committee  
California State Capitol, Room 5072  
Sacramento, CA 95814

**RE: AB 1435 (Gonzalez Fletcher): The College Athlete Protection Act**  
**Position: Oppose, as amended June 4, 2018**

Dear Senator Allen:

The Association of Independent California Colleges and Universities (AICCU) respectfully opposes Assembly Bill 1435 (Gonzalez Fletcher), as amended June 4, 2018, which would create the College Athlete Protection Program to oversee protection of student athletes participating in intercollegiate athletic programs offered by California colleges and universities.

AICCU is the sector voice for over 75 WASC-accredited, nonprofit colleges and universities. AICCU institutions educate 188,000 undergraduate students, and 144,000 graduate students each year. AICCU campuses are home to over 14,000 student athletes. We continue to have a number of concerns with the provisions of AB 1435:

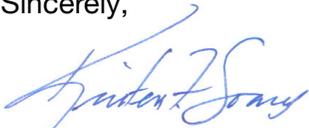
- AICCU institutions play in several athletic associations, including: the National Collegiate Athletic Association (NCAA); the National Association of Intercollegiate Athletics (NAIA); a small subset also play in the National Christian College Athletic Association (NCCAA); and across the various divisions/conferences. The governing bodies, in these athletic conferences, intentionally set different regulations for different divisions and types of schools, making it impossible for the Program to set uniform standards that are applied to all types of institutions. This would result in an institution being penalized for not meeting standards that were not appropriate for the type of institution or types of sports in which the campus competes.
- The Program has subpoena powers under this bill; however, the Federal Health Insurance Portability and Accountability Act and Family Educational Rights and Privacy Act protect student records from being shared, except under very narrow circumstances.
- The powers of this new Program are wide-ranging, with duties that include oversight of health and safety, academic performance, practice time, and sexual assault. This would be duplicative and perhaps conflicting with other organizations, such as the Federal Office of Civil Rights and the NCAA, which have oversight of these subject areas.
- The bill would also create a new mandated reporter requirement that is inconsistent with current law. While we have mandated reporters for minors, this bill creates, for the first time, mandated reporters for adult students.

- The Program would have the ability to impose fees to cover the cost of the Commission. The Program would also have the ability to impose fines, without a cap on the amount of fines, or an appeals process. As tuition dependent institutions without state funding, AICCU campuses would be forced to raise tuition, cut athletic offerings, or divert existing funds from student services to fund this Program.
- The employment penalties included in the amendments could include temporary or permanent prohibition from employment at institutions of higher education. This would be a far harsher penalty than for any other individual in the state of California.
- The panel may create advisory boards, but the bill only provides representatives from the University of California and the California State University. AICCU campuses serve over 14,000 student athletes, the largest group of student athletes of the four-year segments, and are denied representation.

Because the bill would only apply to campuses within California, this could create an unlevel playing field and a competitive disadvantage for California's student athletes with athletes and programs in other states.

AICCU campuses are deeply committed to the well-being of their student athletes; however, for the above reasons, AICCU must respectfully oppose AB 1435.

Sincerely,



Kristen F. Soares

Cc: Assembly Member Lorena Gonzalez Fletcher  
Members, Senate Education Committee  
Lynn Lorber, Chief Consultant, Senate Education Committee  
Kayla Williams, Consultant, Assembly Republican Caucus