

June 29, 2023

RE: California AB 252

Submitted via Position Letter Portal

Dear Senate Education and Judiciary Committees,

I write to you today from the Women's Sports Foundation (WSF) with concerns and comments on AB-252. WSF is a national non-profit organization, which, since its founding in 1974 by Billie Jean King, has been the premier protector of Title IX and advocate for gender equity in sports.

We write today to urge you to oppose AB 252. We feel it poses very real concerns for gender equity and broad-based sports offerings in this country.

AB 252 seeks to:

- Funnel sports programs' revenue to the student-athletes with "fair market value" as defined by the bill,
- Create a Degree Completion Fund to distribute additional payments to student-athletes after graduation (within six years),
- Provide student athletes with additional healthcare benefits and protections, and
- Create a College Athlete Protection Panel to oversee and regulate the bill.

Although several amendments have been made to AB 252 in an attempt to address gender equity concerns in the original bill, these efforts fall short.

AB 252 would likely lead to money being reinvested into the most profitable sports and programs without building in real, meaningful protections for the student-athletes who have been historically underfunded, under promoted and underrepresented: those competing in women's and Olympic sports programs. AB 252 becoming law is likely to create an untenable financial situation which we believe could lead to institutions dramatically cutting their sports offerings or eliminating athletics altogether.

We agree that college sports are in need of reform, but we must create that change on a broad Federal level while keeping gender equity and existing federal laws top of mind.

The Arms Race and the Elimination of Broad-Based Sports

Our current collegiate sports model has allowed unchecked growth, creating an "arms race" among many schools and inequitable investment in football and men's basketball programs. This model has done nothing to expand women's and broad-based sports offerings. In fact, between 1988-2016, though NCAA schools saw a net gain in the number of teams offered in Division II and III (594 and 751, respectively), yet at the Division I level where the arms race is pervasive, schools saw a net loss of 330 men's teams in (Wilson, 2017).

Although the bill seeks to prohibit schools from cutting sports and roster spots, the reality is that if schools do not have the budget to fund sports, they will cut sports. We cannot be so naïve to think that schools will not find ways around this provision. If this were the case, we know from history that women's sports and men's Olympic sports would be among the first to be cut.

Limiting Growth and Investment in Women's Sports

One particularly concerning aspect of this bill is the ability for schools to calculate degree completion fund payments based solely on revenue in future years that are in excess of the 2021-22 academic year. The presumption that this proposed structure would allow women's and Olympic sports to be spared is a red herring. The reality is that schools could very easily use this provision to act as a cap on the budgets of women's teams, thereby stifling the investment and growth that is so needed and long overdue in the women's game. Despite historic underinvestment, women's sports is currently seeing unprecedented growth, now is not the time to limit investment.

Title IX

Amendments were introduced into the current bill version, seemingly to address gender equity concerns raised regarding its previous iteration, unfortunately, these amendments still fall short. Title IX regulations are based on the premise of equity and proportionality. AB 252 now simply dictates a 50/50 split of degree completion funds between men and women athletes. This, however, does not mean payments will be gender *equitable*. On average, women make up nearly 60% of undergraduate enrollment and for schools complying with prong 1 of the three-part test, their women student-athletes would also likely be very close to that same proportion. A rudimentary 50/50 split of funds does not address the representation of women in our colleges and universities and would likely shortchange women at many institutions.

Though there are many points of view on the future of college sports, we can all agree that change and evolution is needed, however, a disjointed state by state solution is not the answer. College sports are in need of reform, but we must create that change on a broad Federal level while keeping gender equity and existing federal laws top of mind.

We encourage you to reach out should you wish to discuss the contents of this letter more thoroughly.

Sincerely,



Danette Leighton, CEO
Women's Sports Foundation