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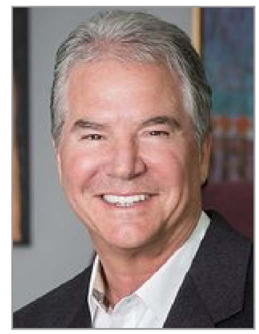
# NCAA's Broken Athlete Eligibility Rules Need To Change

By **Frank Darras** (April 16, 2020, 4:29 PM EDT)


Frank Darras

Student-athletes across the country are treated like athletes when it comes to monetizing their sport and like students when it comes to compensating them for their efforts.

In the past six months, several high-profile student-athletes had their financial futures jeopardized by the arcane, outdated and stale NCAA rules.[1]

University of Memphis basketball phenom James Wiseman was suspended because his mother accepted a loan from a high school coach two years before Wiseman went to college. Ohio State football star Chase Young was suspended for two games for taking a family loan to pay for his girlfriend to attend the Rose Bowl game he was playing in.

Worst of all, University of Alabama quarterback Tua Tagovailoa suffered an injury that may cost him millions of dollars on draft day. All of this because the NCAA refuses to give these kids the means to at least properly protect their future professional income potential.

I work with teams, sports agents, players, colleges and universities to help with drop-in-draft or drop-in-slot protection as well as to buy or collect on permanent total disability, or PTD, policies. I have seen how important it is for an athlete to protect his or her future. Many lawyers have careers that span 40-50 years, sometimes longer. However, Tom Brady is considered an outlier because his career as a quarterback in the NFL has lasted 21 years. Brady is not just an outlier, but an extreme outlier.

According to Statista.com, the average NFL football career is 3.3 years, with the average running back career at a paltry 2.57 years. Kickers and quarterbacks last almost twice as long because they generally suffer fewer hits. The NBA reports that its average career is 4.5 years and Science Daily puts the average MLB career at a robust 5.6 years. This is amazing considering these athletes will be "retired" from their sport before most hit 30 years old and that's if they don't suffer a career ending sickness or injury.

Permanent total disability policies with drop-in-slot or drop-in-draft riders are easy options to help these athletes protect part of their financial future by giving themselves real protection should they suffer the type of injury Tagovailoa suffered. He suffered a dislocated right hip in a win over Mississippi State. Raiders fans will sadly remember that this is the same injury that ended Bo Jackson's career far too early.

Tagovailoa is still projected to be a top 10 pick, but in 2019 the fifth player chosen in the first round made $6 million less than the first pick and the sixth player made $9.5 million less. If these college athletes were able to privately afford, have the university pay or borrow the money for PTD or loss-of-value protection, it would help protect their futures. The NCAA, through a special student-athlete program, sanctions PTD coverage, but not drop-in-slot or drop-in-draft riders.

Several states, most prominently California, have attempted to right this wrong by giving student-athletes the opportunity to make money off of their name, likeness and image. A new California law, called the Fair Pay to Play Act, will allow California college athletes to make money from endorsement deals. The law goes into effect in 2023.

In addition to the new California law, 30 different states have their own legislation in the works. Recently, the federal government has gotten involved. There were hearings held in Congress where elected officials were pleading with the NCAA to create some sort of plan to compensate student-athletes before it was too late. Sen. Richard Blumenthal of Connecticut actually encouraged more states to pass laws mirroring California's to allow athletes to profit off their names, images and likenesses.

While only a few sports bring in significant revenue, there are billions of dollars tied up in college athletics. In 2018, USA Today reported that the NCAA had close to $1.1 billion in annual revenue during its 2017 fiscal year. This revenue was generated from TV deals, ticket sales from championship events, and other advertising and merchandising sources.

According to another USA Today reporter, in the 2017-2018 season, 38 schools reported more than $100 million in yearly revenue from their football programs alone. Forbes reported that in 2017 the NCAA March Madness basketball tournament generated more than $1 billion in revenue.

Obviously, the dollars are available to offer some sort of real financial compensation for college athletes, and at the very least the NCAA and the schools could provide these pro-bound competitors with a way to insure their future income potential in case of a career-ending injury or sickness.

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*Frank N. Darras is the founding partner of DarrasLaw.*

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[1] See the amateurism and academic standard requirements in the NCAA's eligibility regulations, available here.

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