

**REPORT OF THE  
JOINT SUBCOMMITTEE TO STUDY**

# **Commercial Promotional Activities in High School**

**TO THE GOVERNOR AND  
THE GENERAL ASSEMBLY OF VIRGINIA**



## **HOUSE DOCUMENT NO. 9**

**COMMONWEALTH OF VIRGINIA  
RICHMOND  
2001**



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**REPORT OF  
THE JOINT SUBCOMMITTEE  
TO STUDY  
COMMERCIAL PROMOTIONAL ACTIVITIES  
IN HIGH SCHOOLS  
TO  
THE GOVERNOR AND THE GENERAL ASSEMBLY OF VIRGINIA  
RICHMOND, VIRGINIA  
2001**

To: The Honorable James S. Gilmore III, Governor of Virginia  
and  
The General Assembly of Virginia

## **I. Study Origin**

The study of commercial promotional activities in high schools was established pursuant to House Joint Resolution No. 239 (HJR 239) of 2000<sup>1</sup>. This enabling resolution noted the growth and emphasis on athletics in secondary schools, including middle schools, and the pressure on public school athletes to perform well. In the case of some students, excelling in sports is more important than academic achievement. The resolution also acknowledged that public schools are always looking for ways to enhance their funding, particularly for expensive activities such as sports; therefore, the escalating costs of sports equipment and apparel make arrangements with apparel companies and other businesses attractive.

The enabling resolution established a 14-member joint subcommittee as follows: five members of the House of Delegates to be appointed by the Speaker of the House; three members of the Senate to be appointed by the Senate Committee on Privileges and Elections; two ex officio members, i.e., the Superintendent of Public Instruction and the Director of the Virginia High School League; and four nonlegislative citizens, i.e., a high school coach and a high school principal to be appointed by the Speaker of the House and a rural school board member and an urban school board member to be appointed by the Senate Committee on Privileges and Elections. The members so appointed were, in the order listed for the appointments: Delegate Harry B. Belvins, Delegate Thomas M. Jackson, Jr., Delegate Benny Keister, Delegate John S. Reid, and Delegate Robert Tata; Senator W. Henry Maxwell, Senator H. Russell Potts, Jr., and Senator Martin E. Williams; Dr. Jo Lynne DeMary and Mr. Ken Tilley; Mr. Michael F. Crouch, Mr. Larry Landes, Mr. Donald Cuthrell, Jr., and Dr. James Schroeder. Delegate Robert Tata served as chairman; Senator H. Russell Potts, Jr., served as vice-chairman.

## **II. Study Directives**

House Joint Resolution 239 noted that controversies have arisen in recent years concerning the sponsorships of summer camps and the incentives provided to young athletes to

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<sup>1</sup> See Appendix A for the history and enrolled text of HJR 239 of 2000.

wear certain athletic shoes and that the potential for serious conflicts between principals, teams, school boards, coaches, athletic association officials, parents, and players has become great. The final preamble of the resolution declared that these issues must be addressed in Virginia before high-profile public debates occur.

The preambles of HJR 239 indicated that the joint subcommittee should examine certain matters, such as situations occurring in other states, the experiences of several prestigious institutions of higher education concerning the amateur status of certain college athletes because of benefits received at the high school level, and any steps that may have been or are being taken to address school commercial promotional activities.

The resolution directed the joint subcommittee to:

1. Examine the legal and ethical issues related to athletic apparel companies, particularly shoe manufacturers, and other companies providing gifts to schools and individuals as a quid pro quo for some advertising benefit, such as display of company logos on school property and having team members wear the company's apparel.

2. To discuss the following topics:

- disclosure issues;
- player eligibility issues;
- parental rights issues;
- school finance considerations;
- contract issues; and
- the benefits and drawbacks of advertising displays.

3. To make recommendations designed to assist Virginia schools in avoiding controversies relating to commercial promotional activities.

### **III. The Work of the Joint Subcommittee**

The Virginia High School League (VHSL) is the organization governing interscholastic sports and many other interscholastic activities between public high schools in Virginia, including the determination of amateurism. Because many of the issues related to this study concern the definition and limitation of amateur status, the joint subcommittee first received a review of the relevant rules of the VHSL from Mr. John B. Titus, Principal of James River High School in Chesterfield County.

Membership in the Virginia High School League is voluntary; however, virtually every public high school belongs to the VHSL, with the concurrence of the local school board. Under VHSL rules, all students must have parental consent to participate in any school sports and must have received a physical examination by a physician or nurse practitioner. Recruitment or proselytizing is prohibited and all-star games cannot be promoted, managed, or supervised by VHSL-member school officials or representatives. Athletic contests cannot be scheduled or



played on Sundays, except under unusual circumstances. Students are eligible to compete for eight consecutive semesters from the first semester they are enrolled in ninth grade.

Each student athlete must be an "amateur," defined as "one who engages in athletic competition solely for the physical, mental, social and pleasure benefits derived therefrom." Appropriate awards may be given to schools and to individuals, such as trophies, certificates, cups, jackets, ribbons, T-shirts, pictures, plates, and medals. Amateurs are not allowed to receive cash or gift certificates or any other negotiable document as an award for playing sports. Although a student athlete is allowed to be paid for teaching, supervising, or officiating in an organized sports program, an athlete loses amateur status if he:

- accepts pay of any kind for playing a sport;
- signs a contract or otherwise commits to play professional sports;
- enters into any agreement with an agent or other person to negotiate a professional contract;
- accepts payment for expenses "beyond actual and necessary travel, room and board expenses for practice and competition in that sport";
- accepts preferential treatment, benefits or services (such as deferred loans and club memberships that are not provided to all of the group regardless of athletic ability);
- accepts prizes, etc., for more than \$500 per event;
- receives any compensation or consideration for the use of his name, picture, endorsement of anything or personal appearance; or
- uses a false name while participating in the sport for which he claims amateur status.

At the commencement of this study, the Virginia Beach Public School Division is far ahead of the curve, having already developed a policy on corporate sponsorship and established a sponsorship review committee to evaluate and approve or disapprove applications to enter into these relationships. The Sponsorship Review Committee, as established by the Virginia Beach School Board, includes the assistant superintendents for High School Administration and Accountability, the directors of Business Services and Student Leadership, and the purchasing agent. The principal of any school asking for review sits as a nonvoting member of the committee during its deliberations. The assistant superintendents for middle school education or elementary school education sit as members if the applicant is a middle or elementary school.

The core members of the review committee, Mr. Jonathan L. Harnden, Director, Office of Student Leadership; Dr. Donald E. Stowers, Assistant Superintendent for High School Education; Mr. J. Kevin Beardsley, Purchasing Agent; and Mr. Bruce Phelps, Coordinator of Student Activities, High School Programs, described Virginia Beach's experience to the joint subcommittee.

The Virginia Beach School Board prohibits contracts for corporate or other private sponsorships involving or presenting the perception of involving hostility or violence, ethnic, racial or religious attacks, discrimination, promotion of drugs, alcohol, tobacco or firearms or promotion of sexual, obscene or pornographic activities or promotion of "any image that is not in keeping with the established goals and purposes of the Virginia Beach City Public Schools as determined by the school principal or the superintendent/superintendent's designee." All sponsorships must meet these criteria. Applications for sponsorships that appear to violate one

or more of these prohibitions and applications from religious organizations are forwarded to legal counsel for review.

Principals are allowed to contract for their schools for sponsorships that meet the established criteria for one school year or for \$5,000 per year in value. The director of business services contracts for divisionwide sponsorships on behalf of the Virginia Beach School Board after approval by the Sponsorship Review Committee. Sponsorship arrangements involving signs no larger than four feet by eight feet, banners, publications and advertisements or messages, and announcements may be approved for a specific school by the school principal or the school principal and the assistant superintendent for Administrative Support.

Other sponsorship activities, e.g., involving expanded use of the school facilities, athletic team uniforms, classroom or athletic materials, selling a sponsor's goods, etc., must be submitted to the Sponsorship Review Committee. Sponsorships involving division wide interscholastic activities, more than \$5,000 in cash or in kind or a term of more than one school year must be submitted to the Sponsorship Review Committee.

In addition to making decisions on sponsorship applications, the committee is charged with reviewing the school board's sponsorship policy and rules, collecting data on sponsorships, monitoring school compliance, providing annual reports to the school board and the superintendent on these matters, providing advice to principals and the director of business services on sponsorships, maintaining committee records, and receiving, reviewing, and reporting complaints about sponsorships to the school board and the superintendent.

Dr. Alan Leis, Deputy Superintendent of Fairfax County Public Schools, spoke to the joint subcommittee concerning why Fairfax has recently established a citizens' task force to examine school funding and advertising issues. Booster clubs and PTAs frequently conduct fund-raising activities in Fairfax. In Northern Virginia, where high tech companies abound, the issues have become more complex than the simple fundraisers of past years. Some examples of these new and more difficult issues are: the appropriateness of fund-raising websites, linking PTA websites to commercial sites in order to raise funds, offers of free Internet access (with and without advertising benefits for the offeror), proposals to proliferate school foundations at the individual school level, and the surge of contests sponsored by pizza companies, retailers, etc.

A lack of uniformity among the schools on the various policies was also one of the reasons for establishing the task force. The task force is considering such issues as the appropriateness of the new revenue sources versus commercialization of the schools, who should control the revenues and how the money should be used, equity between schools in affluent areas and those in less prosperous neighborhoods, and the personnel requirements for regulating these activities if they expand significantly.

Mr. John D. Hodges, Director of Marketing, Public Relations and Communications for the Amateur Athletic Union of the U.S.A., Inc., addressed the joint subcommittee concerning the AAU position on the issues relating to the key role played by community-organized teams and leagues in the national controversy concerning amateurism and recruitment.

Mr. Hodges contested the assumptions concerning AAU that were made in the recently published book, *Sole Influence: Basketball, Corporate Greed, and the Corruption of America's Youth* by Dan Wetzel and Don Yaeger, two nationally known basketball journalists. In particular, the book describes the activities of an individual who coached some boys basketball teams and held AAU membership. This individual was described in the book as a "former crack dealer" and as an AAU coach. He has recently been charged with a number of counts of federal felony violations, including fraud relating to payments made to basketball players for participating in summer competition and the filing of forms with various universities avowing amateur status for these basketball players. Several counts relating to failure to file income tax returns for certain years in which large sums of money were received also are included in the complaint.

Mr. Hodges described the AAU as a respectable organization in national sports and a voting member of the United States Olympic Committee. The AAU is an event-driven organization that sponsors national championships and does not have teams, hire coaches or recruit athletes. Mr. Hodges noted that the allegations included in the book are untrue. He provided the joint subcommittee with publications detailing the history of AAU and the AAU position on this controversy. He also noted that many misconceptions have been drawn because of the national media attention, specifically, the individual at the center of the summer basketball controversy was not an AAU member from 1996 and his team was ineligible to and did not play in AAU contests. The AAU is working to develop solutions to the issues presented by summer basketball with the National Federation of State High School Associations and its 50-state high school association members (such as the Virginia High School League).

In answer to questions concerning screening of AAU members classified as coaches, Mr. Hodges noted that the National Board of Review for AAU removed 20 to 30 members annually on the basis of complaints. Several questions also addressed the legal nexus between AAU and the athletes, the number of basketball tournaments per year organized by AAU, and the corporate sponsorships of AAU tournaments.

After receiving information on the Virginia High School League, the Virginia Beach experience, and the AAU, the Joint Subcommittee to Study Commercial Promotional Activities in High Schools shifted its focus to the national perspective on the issues. Mr. Robert B. Gardner, Chief Operating Officer, represented the National Federation of State High School Associations. In addition, Mr. Dan Wetzel, co-author, *Sole Influence: Basketball, Corporate Greed, and the Corruption of America's Youth*, and Managing Editor, *Basketball Times*, spoke to the joint subcommittee concerning the issues relating to summer/community basketball and amateurism. Mr. John E. Averett, Senior Sports Marketing Manager for Converse, Inc., provided the subcommittee with insight gained through his long experience with marketing and sports at the local, state, and national levels. Mr. John Hodges of the Amateur Athletic Union of the United States of America, Inc. continued to cooperate with the study and to respond to questions and comments made during the joint subcommittee's discussions.

Mr. Gardner explained the role of the National Federation, noting that the Federation does not determine eligibility, but does make recommendations on these matters to the state

associations, such as the Virginia High School League. The Federation does, of course, have rules for its member associations.

The problem with commercial activities is generated by money, Mr. Gardner stated. High school programs can no longer be funded solely through gate receipts because the programs are no longer limited to a small number of activities, e.g., boys basketball, girls basketball, football, and maybe some track. The programs are now primarily full-range programs, providing equal opportunities for both girls and boys and covering many more sports, e.g., swimming, soccer, lacrosse, and others.

Mr. Gardner said that all organizations are now into fund raising. Budgets are stretched and the corporate funding provides additional sources of money to increase the scope and quality of the facilities and activities. He gave Coke machines as an example of how this broader commercial activity started, as well as the score boards. All costs keep rising; therefore, these activities are on the increase.

He spoke about the shoe companies targeting outstanding players and teams and mentioned that, ideally, all schools would have the same opportunities for this support. He said that the AAU was a good organization; however, some of the funding activities involving some AAU teams have created a climate in which violation of state association rules and of the present NCAA rules have occurred. Recruiting for players has gone down lower than the high school level to middle school. He acknowledged the proposals to deregulate amateurism, i.e., proposals to revise the rules for the National Collegiate Athletic Association so that the amateur restrictions will only apply after the student enrolls in college. He also acknowledged the summer recruiting opportunities and that this window has now been reduced, thus reducing the chances for abuse. He noted that the deregulation of amateurism would be fraught with danger for the state associations, e.g., athletics could be moved out of high school for the elite athlete because no grades are required to participate in the elite AAU teams. He also stated that there are already rules in place to deal with corporate sponsorships. The National Federation wishes to work with all of the groups--AAU and local recreation teams and the NCAA--to find a common ground.

Mr. John Averett explained to the joint subcommittee that this is a muddy area that creates bad situations. Recruiting problems are the worst they have ever been in college basketball. Virginia, he said, has been lucky because the athletic directors are good. He spoke about the two shoe companies and the two individuals who work with them and of these individuals' hatred for each other.

Mr. Averett said that the shoe companies were not bad companies--they were good companies, looking for ways to promote their products; however, involving the kids for product promotion and approaching their families to encourage this involvement has created problems.

He noted that high school coaches and counselors should be helping the kids evaluate college recruitment offers. He did note that the AAU has some people coaching for it that are not appropriate role models.

Mr. Averett acknowledged Converse's involvement in summer basketball some years ago. He described some of the permutations of corporate sponsorships at the college level, e.g., some teams switching from one kind of shoe to another, and he noted that school systems need to be alerted to the problems that can occur with corporate sponsorships.

Mr. Dan Wetzel, co-author of *Sole Influence*, stated that money was the issue. Basketball makes big money. Basketball players make big money and they can make big money for the shoe companies as endorsers of their shoes. The huge profits to be made have stimulated a search for the next Michael Jordan. The player holding that lottery ticket may be very young and the two companies are in competition to find him. Therefore, the companies provide seed money for the teams.

This is a grass roots system--identifying the kids as young as 12 and 13 years old. The lure of travel, free clothing, and the glamour of the play is very influential. Mr. Wetzel mentioned many names and described the circumstances surrounding the person's involvement with one of the shoe companies. He also mentioned that the colleges need the money; therefore, they make the deals. There are, he said, dollars at all levels.

During the course of the study, the joint subcommittee engaged in a round-table discussion with the various experts, asking many questions and requesting any suggestions for resolving the issues in Virginia before the problems become public. Mr. Wetzel recommended that high school coaches be allowed to get back into coaching off-season teams. Background checks were also mentioned. The considerable changes in the college athletic scene during the past 30 to 35 years were noted, going from meager allowances for laundry to the lucrative scholarships the students now get. It was also suggested that the scholarships might be based on need rather than just ability. One person stated that high school basketball players were no longer amateurs. Another individual asked about the influence of gambling on sports.

During the joint subcommittee's final meeting, Mr. David V. Thompson, Assistant Commissioner for Compliance with the Mid-Atlantic Intercollegiate Athletic Conference, spoke to the subcommittee concerning the proposed NCAA amateurism deregulation. Commissioner Thompson described some of the history of the issues, reminding the subcommittee of the efforts of the Knight Commission to resolve issues relating to college athletics and the NCAA's efforts during the past several years to deregulate or simplify the interpretations of its manual and the requirements for amateurism. The current proposals on amateurism issues address pre-enrollment issues by allowing players to accept compensation for play prior to enrollment in higher education institutions. Thus, the present incentives to avoid pay for play during high school would be substantially eliminated.

Over the years, the NCAA has adjusted its rules to accommodate the social changes in various sports. To a certain extent, the current proposals are an expansion of the tennis rules, which do allow high school graduates to engage in organized sports and to return to amateur status after setting out one academic year, which counts as a season of competition. Mr. Thompson gave, as an example of trends beginning in one sport and then moving to another, the phenomenon currently occurring in college tennis where older players from other countries are being recruited to play for college teams.

In answer to the many questions of the subcommittee members, Mr. Thompson noted that athletes can be professionals in one sport and play another sport as an amateur; however, such players would not be eligible for athletic scholarships. He also explained the ramifications under the proposals for being compensated on a fee-for-lesson basis and the current rules relating to compensation for teaching employment.

Mr. Thompson also discussed the issues concerning outside compensation for coaches. Several members questioned the fairness of the schools making big money from sports and coaches being very well compensated while the students cannot be compensated for virtually anything relating to the specific game while maintaining amateur status. Mr. Thompson replied that the NCAA has tried to create programs that help the students; however, the problem is difficult to solve. One member observed that the value of college education is great and should be counted as a benefit for the student who is on scholarship. He also noted that some players view college teams as de facto minor leagues and do not intend to graduate from college.

Several of the members also questioned the effects on high school sports of the proposed changes relating to compensation prior to college enrollment. These members voiced concerns about the detrimental effects on the quality of high school sports and the academic achievement of the students. Good players who are educationally at risk may decide, because of the grade requirements and the restrictions on compensation for high school sports, to play community sports where no amateurism or academic status rules apply. If students defect from high school sports in favor of community sports, the quality of high school sports could decline, drop out rates could increase, and the incentives to study in order to stay in sports could be eliminated.

#### **IV. Issues Relating to Basketball and Amateur Status**

Prior to the commencement of the joint subcommittee's study schedule, each member received a copy of *Sole Influence: Basketball, Corporate Greed, and the Corruption of America's Youth* by Dan Wetzel and Don Yaeger. This book, which was published in January 2000, describes in great detail the complex and sometimes questionable tactics used by the dominant shoe and apparel manufacturing corporations, i.e., Adidas and Nike, to market their products through sponsorships of youth, high school, and college basketball. These companies and some other groups sponsor summer camps and highly competitive tournaments that are scheduled around the country. Young basketball athletes are encouraged to be loyal to one brand through the sponsorships of AAU traveling teams and all-star tournaments, and may receive direct gifts of apparel, trips, and other benefits. Some outstanding players are recruited for certain private or public high schools.

Many, if not most, of the star-quality young basketball players are African-American youths from poor families who may live under difficult social conditions in single parent families without a father figure. Thus, the enticement of spending the summer having fun playing basketball and traveling to undreamed of locations (sometimes even Europe) is understandably powerful. Apparently, the big apparel companies offer sponsorships to excellent high school and AAU summer teams, which may include conditions such as the attendance by one star-quality player at their summer camp. These arrangements may also include lucrative benefits for the summer team coaches.

The lure of "shoe" money that is being poured into the outstanding youth/summer teams has created an environment conducive to exploitation of the young athletes. Anticipation of big money has attracted highly visible, questionable characters to coaching. At least one former AAU summer team coach was under federal indictment in 2000. Some coaches at all levels have made large sums of money through promoting one or more outstanding young basketball players, e.g., a cut of the endorsement package. The company-sponsored tournaments serve as legal meeting grounds for recruiting and one-on-one contact with the players by college coaches.

Brand and company loyalty are very useful and profitable commodities; therefore, the companies put millions of dollars into these sponsorships. Teams may be offered sponsorships to gain access to only one wonderful player or because the team has a powerful, winning record. Young players are steered toward attendance at colleges/universities of the same sponsorship. Summer, high school, and college athletic directors and coaches are said to benefit from these arrangements through supplements to salaries of various kinds. Some coaches serve on the boards of the companies or may receive large sums of money for appearing at camps or lending their names to camps.

In some instances, outstanding players have been sent to prep schools with great basketball programs--tuition and other expenses paid by various wealthy sponsors or other third parties. Some players have received large salaries for instructing in the corporate summer camps; "friends," who are alumni of various schools and hope to recruit outstanding players to their alma maters, have allegedly given cars, money, and financial support, such as private school tuition, to other players. Some of the issues resulting from these arrangements are:

#### 1. Exploitation of Children

The companies provide some kind of academic instruction and the teams provide opportunities for travel and experiences that the kids could not otherwise afford. However, young men with poor academic records may miss many days of school to travel with the teams and may not take advantage of opportunities for additional study or remediation in the summer in order to travel with the teams.

Some of the benefits received for playing summer ball or attending prep schools or for outright recruitment may make the young players ineligible for college participation and scholarships.

#### 2. Inappropriate Socialization of Children

Young men who are excellent athletes may, as a result of the shoe company sponsorships, be conditioned to believe that their only way out of poverty is to play ball and that education is not important. These young men may not realize that the odds against becoming wealthy through sports are long and that hard work is required to excel at sports (as with any other pursuit) and that, even if they do become sports figures, large incomes will not last unless they learn to use the money made through sports wisely. They may actually ruin their lives by dedicating time to playing basketball that should be spent learning and maturing.

### 3. Criminal Activities Focused on Children and Sports

Coaches sometimes serve as father figures for the kids and may have great influence over the kids' actions and attitudes, particularly in those instances where the young people do not have a strong father figure in their lives. Although many coaches serve as good father figures and positive influences on young players' actions and attitudes, the lure of easy money appears to have attracted some questionable individuals to coaching. Because of some dubious influences, a number of young players have received benefits that disqualify them for college scholarship eligibility. These players, in some instances, have been enticed to lie on the NCAA forms and have, in at least one or two cases, jeopardized certain universities' revenues and status.

### 4. Commercialization of Amateur Basketball

Because of the availability of big money and benefits, basketball, as a sport, appears to have moved toward professionalism at all levels, i.e., receiving benefits for playing ball. This situation appears to have caused a fragile environment for amateur players to mature and increase their skills and to be resulting in decreasing status for high school basketball while increasing summer basketball's status.

## V. Recommendations

The joint subcommittee recognized that commercial activities have increased significantly in schools during the past decade and that, although most school officials and parents agree that corporate and business involvement in education is desirable, some ethical questions have arisen concerning the influence of certain commercial activities on the lifestyles and choices of young people. Therefore, in order to strike the balance necessary to meet local needs and to protect Virginia's school divisions and students while encouraging desirable partnerships and sponsorships, the joint subcommittee made the following recommendations:

1. That all school boards be required to develop and implement, and authorized to revise as necessary, policies relating to commercial, promotional, and corporate partnerships and sponsorships involving their public schools. House Bill 2395, which was passed, implemented this recommendation.<sup>2</sup>
2. That the Virginia School Boards Association and the Virginia High School League be requested to cooperate in addressing issues relating to commercial, promotional, and corporate partnerships and sponsorships with schools. In the conduct of this study, the VSBA and VHSL must publicize the issues relating to such arrangements; provide the school boards with factual information on the issues and the problems that have occurred in other jurisdictions, including the concerns about inappropriate advertising and products, and the activities across the nation and in Virginia concerning amateur athletics; provide information on the various kinds of these partnerships and sponsorships; and recommend the appropriate components of school

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<sup>2</sup> See Appendix B for the history and enrolled text of HB 2395 of 2001.



board policies on these matters. House Joint Resolution 661, which was approved, implemented this recommendation.<sup>3</sup>

3. That strong opposition to the NCAA's proposals to allow student athletes to receive pay for participation in sports while in high school and yet retain eligibility for college athletics by abstaining from such activities upon entering higher education be expressed by the General Assembly. House Joint Resolution 662, which was approved, implemented this recommendation.<sup>4</sup>

## VI. Conclusion

The joint subcommittee believes corporate sponsorships should be encouraged and that most corporate sponsorships of high school and other public school activities are appropriately structured and beneficial to the schools, the students, and the sponsoring businesses. The joint subcommittee wishes to emphasize that appropriate and positive involvement of Virginia's business and industry community in its public schools must be nurtured and encouraged.

Respectfully submitted,

Delegate Robert Tata, *Chairman*  
Senator H. Russell Potts, Jr., *Vice-Chairman*  
Delegate Harry B. Belvins  
Mr. Michael F. Crouch  
Mr. Donald Cuthrell, Jr.  
Dr. Jo Lynne DeMary  
Delegate Thomas M. Jackson, Jr.  
Delegate Benny Keister  
Mr. Larry Landes  
Senator W. Henry Maxwell  
Delegate John S. Reid  
Dr. James Schroeder  
Mr. Ken Tilley  
Senator Martin E. Williams

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<sup>3</sup> See Appendix B for the history and enrolled text of HJR 661 of 2001.

<sup>4</sup> See Appendix B for the history and enrolled text of HJR 662 of 2001.



## BIBLIOGRAPHY

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National Collegiate Athletic Association, Summary of NCAA Regulations Related to Agents and other Amateurism Provisions, [http://www.ncaa.org/agents\\_amateurism/agents/ncaa\\_summary.htm](http://www.ncaa.org/agents_amateurism/agents/ncaa_summary.htm).

*United States of America v. Myron C. Piggie*, United States District Court, Western District of Missouri, Western Division, No. 00-00162-01-Crim 4 (April 12, 2000).

*Virginia High School League Handbook 1999-2000*, Virginia High School League, Inc., Charlottesville, Virginia.

### OTHER AUTHORITY

Dan Wetzel and Don Yaeger, *Sole Influence: Basketball, Corporate Greed, and the Corruption of America's Youth*, Warner Books, New York (2000).

Paul Bauman, Associate Professor, University of Colorado at Denver and Faith E. Crampton, Program Principal, NCSL, *When School Districts Become Entrepreneurs: Opportunity or Danger?* State Legislative Report, Vol. 20, No. 11, July 1995, National Conference of State Legislatures.

United States General Accounting Office, Health, Education, and Human Services Division, PUBLIC EDUCATION, *Commercial Activities in Schools*, GAO/HEHS-00-156 (September 2000).



**APPENDIX A**

**ENABLING RESOLUTION:**

HJR 239 OF 2000



## HJ 239 Study; commercial promotional activities in high schools.

Patron - Robert Tata (all patrons) .... notes

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### *Summary as passed:*

**Study; commercial promotional activities in high schools.** Establishes the Joint Subcommittee to Study Commercial Promotional Activities in High Schools. This resolution notes the growth and emphases on athletics in secondary schools, including middle schools, and the pressure on public school athletes to perform well. The difficult situations that have occurred in some other states are acknowledged, and the hope that Virginia will avoid these situations is expressed. The 14-member joint subcommittee is directed to examine the legal and ethical issues related to athletic apparel companies and other companies providing gifts to schools and individuals as a quid pro quo for some advertising benefit, such as displaying the logo on school property or having a team or teams wear the company's apparel. The joint subcommittee must also study disclosure issues, player eligibility issues, parental rights issues, school finance considerations, contract issues, and the benefits and drawbacks of advertising displays.

### *Full text:*

01/24/00 House: Presented & ordered printed 006031948  
02/13/00 House: Committee substitute printed 006295948-H1  
02/14/00 House: Floor substitute printed 006155836-H2 (Tata)  
03/28/00 House: Enrolled bill text (HJ239ER)

### *Status:*

01/24/00 House: Presented & ordered printed 006031948  
01/24/00 House: Referred to Committee on Rules  
02/11/00 House: Reported from Rules with substitute (17-Y 0-N)  
02/13/00 House: Committee substitute printed 006295948-H1  
02/14/00 House: Floor substitute printed 006155836-H2 (Tata)  
02/15/00 House: Taken up  
02/15/00 House: Committee substitute rejected 006295948-H1  
02/15/00 House: Substitute by Del. Tata agreed to 006155836-H2  
02/15/00 House: Eng. by House - fl. sub. 006155836-H2 (Tata)  
02/15/00 House: Agreed to by House (86-Y 6-N)  
02/15/00 House: VOTE: ADOPTION (86-Y 6-N)  
02/15/00 House: Communicated to Senate  
02/17/00 Senate: Reading waived  
02/17/00 Senate: Referred to Committee on Rules  
02/28/00 Senate: Reported from Rules  
03/01/00 Senate: Reading waived, passed by for the day (40-Y 0-N)  
03/01/00 Senate: VOTE: SUSPEND THE RULES R (40-Y 0-N)  
03/02/00 Senate: Read third time and agreed to by Senate by voice vote  
03/28/00 House: Enrolled bill text (HJ239ER)  
06/26/00 House: Study Committee Members Appointed

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# GENERAL ASSEMBLY OF VIRGINIA -- 2000 SESSION

## HOUSE JOINT RESOLUTION NO. 239

*Establishing the joint subcommittee to study commercial promotional activities in high schools.*

Agreed to by the House of Delegates, February 15, 2000

Agreed to by the Senate, March 2, 2000

WHEREAS, across the country, public schools are looking for ways to enhance their funding, particularly for expensive activities such as sports; and

WHEREAS, secondary school athletics have grown in influence in middle and high schools and have become over emphasized, with many high school students in the United States concentrating more on excelling in sports than in academic achievement; and

WHEREAS, with the escalating costs of equipping teams at the middle and high school levels, informal deals with athletic apparel companies have become very tempting; and

WHEREAS, many athletic apparel companies underwrite or sponsor athletic summer camps where outstanding young athletes are able to showcase their talents to high school, college, and professional team coaches; and

WHEREAS, recently, controversies have arisen concerning the sponsorships of these summer camps and incentives provided to schools and coaches to entice star players to attend these camps and to wear the apparel, particularly shoes, of the sponsoring corporation; and

WHEREAS, many of the teams, coaches, and players who participate in these arrangements consider the gifts to be appropriate and of great benefit in eliminating tiring and tedious fund-raising activities; and

WHEREAS, in some instances, the potential for serious conflict between principals, teams, school boards, coaches, athletic association officials, parents, and players are great, with parents and players receiving a different offer than the coaches and schools; and

WHEREAS, school districts in other states have experienced the embarrassment and difficulties of resolving these informal agreements; and

WHEREAS, some of these school districts appear to be far ahead of Virginia's school divisions in implementing policies to manage these situations; and

WHEREAS, these issues must be addressed in Virginia before becoming high profile, public debates; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the joint subcommittee to study commercial promotional activities in high schools be established. The joint subcommittee shall be composed of 14 members, which shall include 8 legislative members and 4 nonlegislative citizen members and 2 ex officio members as follows: five members of the House of Delegates to be appointed by the Speaker of the House in accordance with the principles of Rule 16 of the Rules of the House of Delegates; three members of the Senate to be appointed by the Senate Committee on Privileges and Elections; two nonlegislative citizens to be appointed by the Speaker, one of whom shall be a high school coach and one of whom shall be a high school principal; two nonlegislative citizens to be appointed by the Senate Committee on Privileges and Elections, one of whom shall be a rural school board member and one of whom shall be an urban school board member; and the Superintendent of Public Instruction or his designee and the Director of the Virginia High School League to serve as ex officio members. All citizen and ex officio members shall have full voting rights.

In conducting its study, the joint subcommittee shall examine the legal and ethical issues related to athletic apparel companies and other companies providing gifts to schools and individuals as a quid pro quo for some advertising benefit, such as displaying the logo on school property and having a team or teams wear the company's apparel. The joint subcommittee shall study disclosure issues, player eligibility issues, parental rights issues, school finance considerations, contract issues, and the benefits and drawbacks of advertising displays.

The direct costs of this study shall not exceed \$7,950.

The Division of Legislative Services shall provide staff support for the study. All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The joint subcommittee shall complete its work in time to submit a written report of its findings

and recommendations to the Governor and the 2001 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

**APPENDIX B**

**2001 LEGISLATION:**

House Bill 2395

House Joint Resolution 661

House Joint Resolution 662



## HB 2395 Commercial, promotional & corporate partnerships, etc., in schools.

Patron - Robert Tata (all patrons) ..... notes

### *Summary as passed:*

**Commercial, promotional and corporate partnerships and sponsorships relating to public schools.** Requires each school board to develop and implement and authorizes them to revise, from time to time, a policy relating to commercial, promotional, and corporate partnerships and sponsorships involving public schools in the division. It is noted in the preambles of this bill that commercial activities have increased significantly in schools during the past decade; that most school officials and parents agree that corporate and business involvement in education is desirable and that the contributions of business and industry have made many activities into reality that would not otherwise have been possible; that some ethical questions have, however, arisen concerning apparel companies and others and their influence on the lifestyles and choices of young people; that incidents in other states have made it clear that the time has come to clarify the rules on such activities; that the Commonwealth wishes to nurture and encourage its business and industry community to become involved in and to contribute to its public schools in appropriate and positive ways; and that, in order to protect the school divisions and students of Virginia from any unwanted influences and to avoid the difficulties that have occurred in other states while stimulating desirable business and industry involvement, Virginia school boards must develop policies on these issues designed to meet their local needs, circumstances, and standards. This bill is a recommendation of the Joint Subcommittee Studying Commercial Promotional Activities in High Schools pursuant to HJR 239 of 2000.

### *Full text:*

01/10/01 House: Presented & ordered printed, prefiled 01/10/01 014147948  
 01/30/01 House: Printed as engrossed 014147948-E  
 02/22/01 House: Enrolled bill text (HB2395ER)  
 03/22/01 Governor: Acts of Assembly Chapter text (CHAP0467)

### *Amendments:*

House amendments

### *Status:*

01/10/01 House: Presented & ordered printed, prefiled 01/10/01 014147948  
 01/10/01 House: Referred to Committee on Education  
 01/22/01 House: Assigned to Education sub-committee: 3  
 01/26/01 House: Reported from Education with amendment (23-Y 0-N)  
 01/29/01 House: Read first time  
 01/30/01 House: Read second time  
 01/30/01 House: Committee amendment agreed to  
 01/30/01 House: Engrossed by House as amended  
 01/30/01 House: Printed as engrossed 014147948-E  
 01/31/01 House: Read third time and passed House BLOCK VOTE (99-Y 0-N)  
 01/31/01 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N)  
 01/31/01 House: Communicated to Senate  
 02/07/01 Senate: Constitutional reading dispensed  
 02/07/01 Senate: Referred to Committee on Education and Health  
 02/15/01 Senate: Reported from Education and Health (14-Y 0-N)  
 02/16/01 Senate: Const. reading disp., passed by for the day (39-Y 0-N)  
 02/16/01 Senate: VOTE: CONST. RDG. DISPENSED R (39-Y 0-N)  
 02/16/01 Senate: Reconsider motion to pass by for the day (38-Y 0-N)  
 02/16/01 Senate: VOTE: RECONSIDER R (38-Y 0-N)  
 02/16/01 Senate: Passed by for the day  
 02/19/01 Senate: Read third time  
 02/19/01 Senate: Passed Senate (40-Y 0-N)  
 02/19/01 Senate: VOTE: PASSAGE R (40-Y 0-N)

02/22/01 House: Enrolled bill text (HB2395ER)

02/23/01 House: Enrolled

02/26/01 House: Signed by Speaker

02/26/01 Senate: Signed by President

03/20/01 Governor: Approved by Governor-Chapter 467 (effective 7/1/01)

03/22/01 Governor: Acts of Assembly Chapter text (CHAP0467)

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# VIRGINIA ACTS OF ASSEMBLY -- 2001 SESSION

## CHAPTER 467

*An Act to amend the Code of Virginia by adding a section numbered 22.1-89.4, relating to commercial, promotional and corporate partnerships and sponsorships relating to public schools.*

[H 2395]

Approved March 20, 2001

Whereas, commercial activities have increased significantly in schools during the past decade; and  
Whereas, most school officials and parents agree that corporate and business involvement in education is desirable and that the contributions of business and industry have made many activities into reality that would not otherwise have been possible; and

Whereas, some ethical questions have, however, arisen concerning apparel companies and others and their influence on the lifestyles and choices of young people; and

Whereas, incidents in other states have made it clear that the time has come to clarify the rules on such activities; and

Whereas, the Commonwealth wishes to nurture and encourage its business and industry community to become involved in and to contribute to its public schools in appropriate and positive ways; and

Whereas, in order to protect the school divisions and students of Virginia from any unwanted influences and to avoid the difficulties that have occurred in other states while stimulating desirable business and industry involvement, Virginia school boards must develop policies on these issues designed to meet their local needs, circumstances, and standards; now, therefore,

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 22.1-89.4 as follows:**

*§ 22.1-89.4. Certain policy required.*

*Each school board shall develop and implement, and may, from time to time, revise, a policy relating to commercial, promotional, and corporate partnerships and sponsorships involving the public schools within the division.*





## HJ 661 Commercial, promotional, etc., sponsorships in schools.

Patron - Robert Tata (all patrons) ..... notes

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### *Summary as passed:*

**Commercial, promotional, and corporate partnerships and sponsorships in schools.** Requests the Virginia School Boards Association and the Virginia High School League to cooperate in addressing issues relating to commercial, promotional, and corporate partnerships and sponsorships with schools. This resolution notes that commercial activities are not new to public schools, that commercial involvement in public education has increased significantly during the past decade; that most school officials, parents, and policy makers agree that corporate and business involvement in education has been positive; that although business and industry collaboration with schools should be encouraged and fostered, the school boards of Virginia must not lose sight of their primary purpose, i.e., to protect the best interest of schools and students. The VSBA and the VHSL are required to publicize the issues relating to commercial, promotional, and corporate partnerships and sponsorships; to provide the school boards with factual information on these issues and the problems that have occurred in other jurisdictions, including the concerns about inappropriate advertising and products, and the activities across the nation and in Virginia concerning amateur athletics; to provide information on the various kinds of commercial, promotional, and corporate partnerships and sponsorships being implemented; and to recommend the appropriate components of school board policies on these matters.

### *Full text:*

01/10/01 House: Presented & ordered printed, prefiled 01/10/01 014146948

02/16/01 House: Enrolled bill text (HJ661ER)

### *Status:*

01/10/01 House: Presented & ordered printed, prefiled 01/10/01 014146948

01/12/01 House: Referred to Committee on Education

01/19/01 House: Reported from Education (23-Y 0-N)

01/23/01 House: Taken up

01/23/01 House: Engrossed by House

01/23/01 House: Agreed to by House by voice vote

01/23/01 House: Communicated to Senate

01/24/01 Senate: Constitutional reading dispensed

01/24/01 Senate: Referred to Committee on Rules

02/12/01 Senate: Reported from Rules

02/13/01 Senate: Rules suspended (40-Y 0-N)

02/13/01 Senate: VOTE: (40-Y 0-N)

02/13/01 Senate: Reading waived

02/14/01 Senate: Read third time and agreed to by Senate by voice vote

02/16/01 House: Enrolled bill text (HJ661ER)

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# GENERAL ASSEMBLY OF VIRGINIA -- 2001 SESSION

## HOUSE JOINT RESOLUTION NO. 661

*Requesting the Virginia School Boards Association and the Virginia High School League to cooperate in addressing issues relating to commercial, promotional, and corporate partnerships and sponsorships with schools.*

Agreed to by the House of Delegates, January 23, 2001

Agreed to by the Senate, February 14, 2001

WHEREAS, although commercial activities are not new to the public schools of the Commonwealth, commercial involvement in public education has increased significantly during the past decade; and

WHEREAS, most school officials, parents, and policy makers agree that corporate and business involvement in education has been positive and that the contributions of business and industry have made many school programs and activities possible for which other funding would not have been available; and

WHEREAS, the Joint Subcommittee Studying Commercial Promotional Activities in High Schools, established pursuant to House Joint Resolution No. 239 (2000), has examined many issues relating to arrangements with athletic apparel companies and other corporations and businesses; and

WHEREAS, the joint subcommittee has found that there are many difficult dilemmas facing school boards and school administrators in this time of need for increased funding and rising expenses; and

WHEREAS, incidents in neighboring states involving sponsorships conditioned on access to students for the purpose of developing brand loyalties and increasing product sales have clearly demonstrated that the time has come to establish procedures to prevent problems from developing in Virginia; and

WHEREAS, the joint subcommittee has received much information on high school and community teams and the growing trend toward professionalism in youth sports; and

WHEREAS, the joint subcommittee strongly opposes the deregulation of amateurism in high school and college athletics; and

WHEREAS, the joint subcommittee has heard much about the ethical and legal concerns of school officials in relationship to the commercialization of education and the influence of such commercialization on the Commonwealth's students; and

WHEREAS, the joint subcommittee believes that the school boards of Virginia are in the best position to develop coherent and logical ways to prevent the problems that have occurred in other states from occurring in the Commonwealth; and

WHEREAS, the joint subcommittee has recommended that all school boards have policies on commercial, promotional, and corporate activities that meet their local needs, circumstances, and standards; and

WHEREAS, although business and industry collaboration with schools should be encouraged and fostered, the joint subcommittee's primary concern is to ensure that school boards fulfill their primary purpose of protecting the best interests of the schools and students in the Commonwealth; and

WHEREAS, in this regard the school boards of Virginia may need information and guidance concerning the issues relating to commercial, promotional, and corporate partnerships and sponsorships and the various ways to address these issues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia School Boards Association and the Virginia High School League be requested to cooperate in addressing issues relating to commercial, promotional, and corporate partnerships and sponsorships with schools. In so cooperating, the Virginia School Boards Association and the Virginia High School League are requested to publicize these issues to Virginia's school board members; to provide the school boards of the Commonwealth with factual information on these issues and the problems have occurred in other jurisdictions, including the concerns about inappropriate advertising and products, and the activities across the nation and in Virginia concerning amateur athletics; to provide information on the various kinds of commercial, promotional, and corporate partnerships and sponsorships being implemented; and to recommend the appropriate components of school board policies on these matters. In the implementation of this work, the Virginia School Boards Association and the Virginia

High School League are requested to develop guidelines to assist the school boards of the Commonwealth in addressing these issues and to publish these guidelines for the school boards of the Virginia.

Technical assistance shall be provided to the Virginia School Boards Association and the Virginia High School League by the Department of Education, upon request.

## HJ 662 Student athletes; NCAA pending amateurism deregulation proposals.

Patron - Robert Tata (all patrons) ..... notes

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### *Summary as passed:*

**National Collegiate Athletic Association's pending amateurism deregulation proposals.** Expresses the strong opposition of the General Assembly to the NCAA's proposals to allow student athletes to receive pay for participation in sports while in high school and yet retain eligibility for college athletics by abstaining from such activities upon entering higher education. This resolution notes that the NCAA's official policy is still that there is "a clear line of demarcation between college athletics and professional sports," that the lure of big money and benefits has moved basketball toward professionalism at all levels, that a number of embarrassing and costly incidents have occurred relating to college teams and players who have engaged in prohibited activities during high school; that these incidents have led to discussion at the organizational level and resulted in the NCAA amateurism deregulation proposals, and that deregulation could result in increased drop-out rates and the demise of high school athletic programs.

### *Full text:*

01/10/01 House: Presented & ordered printed, prefiled 01/10/01 014148948  
02/16/01 House: Enrolled bill text (HJ662ER)

### *Status:*

01/10/01 House: Presented & ordered printed, prefiled 01/10/01 014148948  
01/10/01 House: Referred to Committee on Education  
01/22/01 House: Assigned to Education sub-committee: 2  
01/26/01 House: Reported from Education (22-Y 0-N)  
01/30/01 House: Taken up  
01/30/01 House: Engrossed by House  
01/30/01 House: Agreed to by House BLOCK VOTE (96-Y 0-N)  
01/30/01 House: VOTE: BLOCK VOTE PASSAGE (96-Y 0-N)  
01/30/01 House: Communicated to Senate  
01/31/01 Senate: Constitutional reading dispensed  
01/31/01 Senate: Referred to Committee on Rules  
02/12/01 Senate: Reported from Rules  
02/13/01 Senate: Rules suspended (40-Y 0-N)  
02/13/01 Senate: VOTE: (40-Y 0-N)  
02/13/01 Senate: Reading waived  
02/14/01 Senate: Read third time and agreed to by Senate by voice vote  
02/16/01 House: Enrolled bill text (HJ662ER)

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# GENERAL ASSEMBLY OF VIRGINIA -- 2001 SESSION

## HOUSE JOINT RESOLUTION NO. 662

*Expressing the sense of the General Assembly of Virginia regarding its opposition to the National Collegiate Athletic Association's pending amateurism deregulation proposals.*

Agreed to by the House of Delegates, January 30, 2001

Agreed to by the Senate, February 14, 2001

WHEREAS, until recently, the philosophies relating to student athletes and payment for sports participation have been parallel among the various national and state entities, including the National Collegiate Athletic Association (NCAA), the National Federation of High School Associations, and the various state associations governing interscholastic sports and other activities; and

WHEREAS, even now the NCAA's official policy is that "member institutions' athletics programs are designed to be an integral part of the educational program and the student-athlete is considered an integral part of the student body, thus maintaining a clear line of demarcation between college athletics and professional sports"; and

WHEREAS, the lure of big money and benefits, particularly the sponsorships by the two large shoe companies of team and summer camp sponsorships at the community and high school levels and their highly lucrative team sponsorships at the college level, as well as institutional anticipation of revenues from broadcasting of collegiate games, have moved basketball, as a sport, toward professionalism at all levels; and

WHEREAS, in recent years, a number of incidents, particularly involving the actions of star university and college athletes prior to entering college, have occurred; and

WHEREAS, these incidents have resulted in ineligibility of players and embarrassing and costly consequences for some prestigious institutions of higher education; and

WHEREAS, these incidents have also stimulated discussion at the organizational level, which has resulted in NCAA proposals to deregulate amateurism prior to college attendance for players; and

WHEREAS, the NCAA's proposals would allow students to receive prize money and compensation for participation, i.e., "pay for play"; and

WHEREAS, allowing "pay for play" may enhance opportunities for gambling, "street agent" involvement, and inappropriate recruitment activities by colleges and universities; and

WHEREAS, the NCAA proposals are in conflict with high school associations' "pay for play" prohibitions, so that, upon adoption, deregulation could force a student athlete to make a choice between his high school team rules and deregulated college rules; and

WHEREAS, the lure of playing for money may be very attractive to young athletes from difficult economic conditions; and

WHEREAS, the NCAA's amateurism deregulation proposals could persuade student-athletes to leave high school sports programs in favor of teams that provide compensation while not requiring any academic standards, resulting in bad educational choices by young people and the deterioration and possible abandonment of high school sports programs; and

WHEREAS, compensation for sports participation could encourage students to disregard high school sports programs in order to pursue sports for individual gain, thus eliminating one of the primary incentives for remaining in school and causing an increase in the drop-out rate; and

WHEREAS, the amateurism deregulation proposals under consideration by the National Collegiate Athletic Association threaten the educational pillar of amateurism and may undermine support by the education community for education-based athletics; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly of Virginia strongly opposes the National Collegiate Athletic Association's pending amateurism deregulation proposals; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to the Executive Director of the National Collegiate Athletic Association and to the Executive Director of the State Council of Higher Education for Virginia, requesting that they further disseminate copies of this resolution to their respective constituents so that their members and the universities and colleges of Virginia may be apprised of the sense of the General Assembly of Virginia in this matter.

