



NAVIGATING NIL LEGISLATION

IMPACT AND IMPLICATIONS

DON BAKER, CMAA - COBB COUNTY SCHOOL DISTRICT, GA
JON MELLINGER, RAA - ARCHBISHOP SPALDING HS, MD

COBB COUNTY SCHOOL DISTRICT



DON BAKER, CMAA

25th year in education
14th as an athletic administrator



COBB COUNTY SCHOOL DISTRICT

2nd largest school system in GA and the 23rd largest in the nation.

It serves 105,738 students with 112 schools, including 16 high schools that offer athletics.

Close to 13,000 student-athletes.

Student Demographics

White – 32.2%

Black – 29.3%

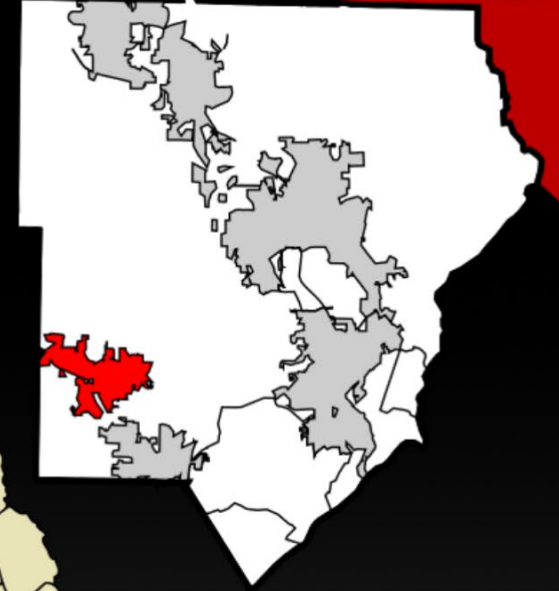
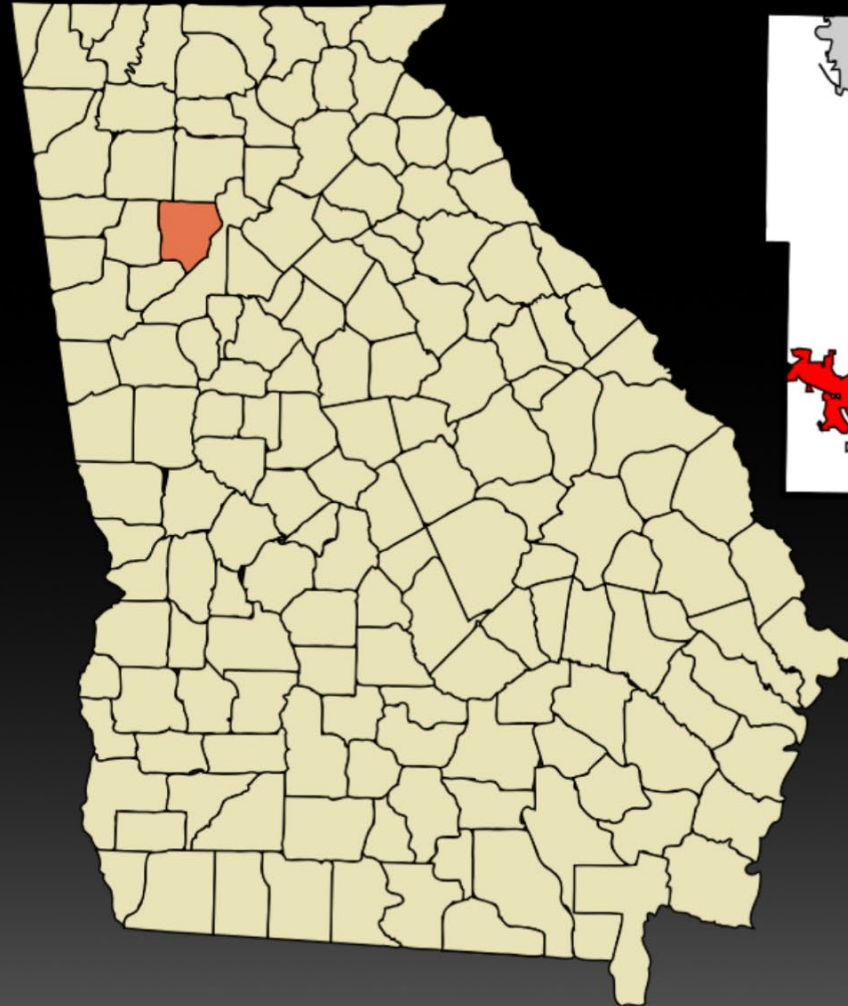
Hispanic – 26.5%

Asian – 6.1%

Other – 5.9%

Percentage of Students Qualifying
for Free/Reduced Lunch
41.7%

Transiency Rate
22.5%



ARCHBISHOP SPALDING HIGH SCHOOL



JON MELLINGER, RAA

**12th year in education
10th as an athletic administrator**



ARCHBISHOP SPALDING HIGH SCHOOL

Archbishop Spalding, located in Severn, MD, is a Catholic co-educational college preparatory high school, grades 9-12, operated under the auspices of the Archdiocese of Baltimore.



ENROLLMENT: 2024-2025 (Total 1285)

Gender:

Male-675

Female-606

Race:

White - 72%

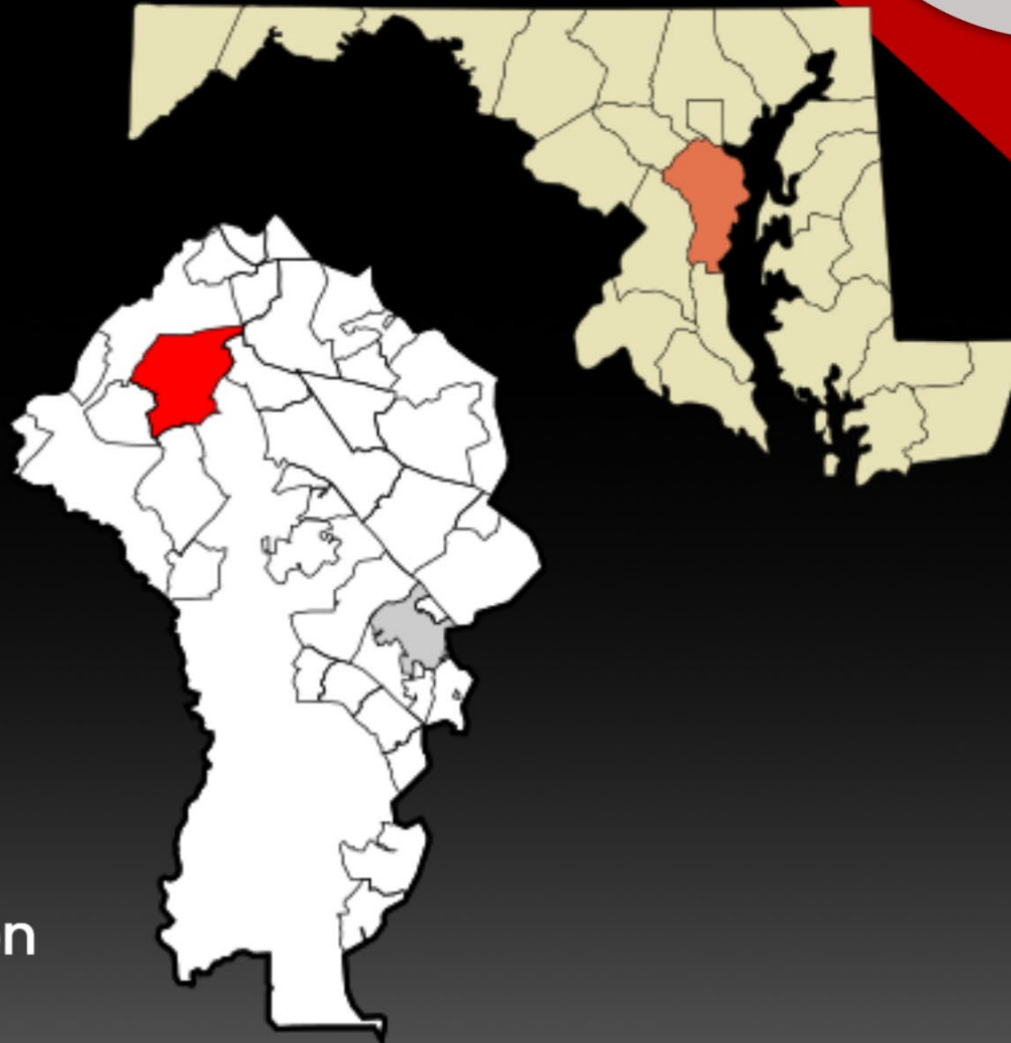
Black - 14%

Other - 14%

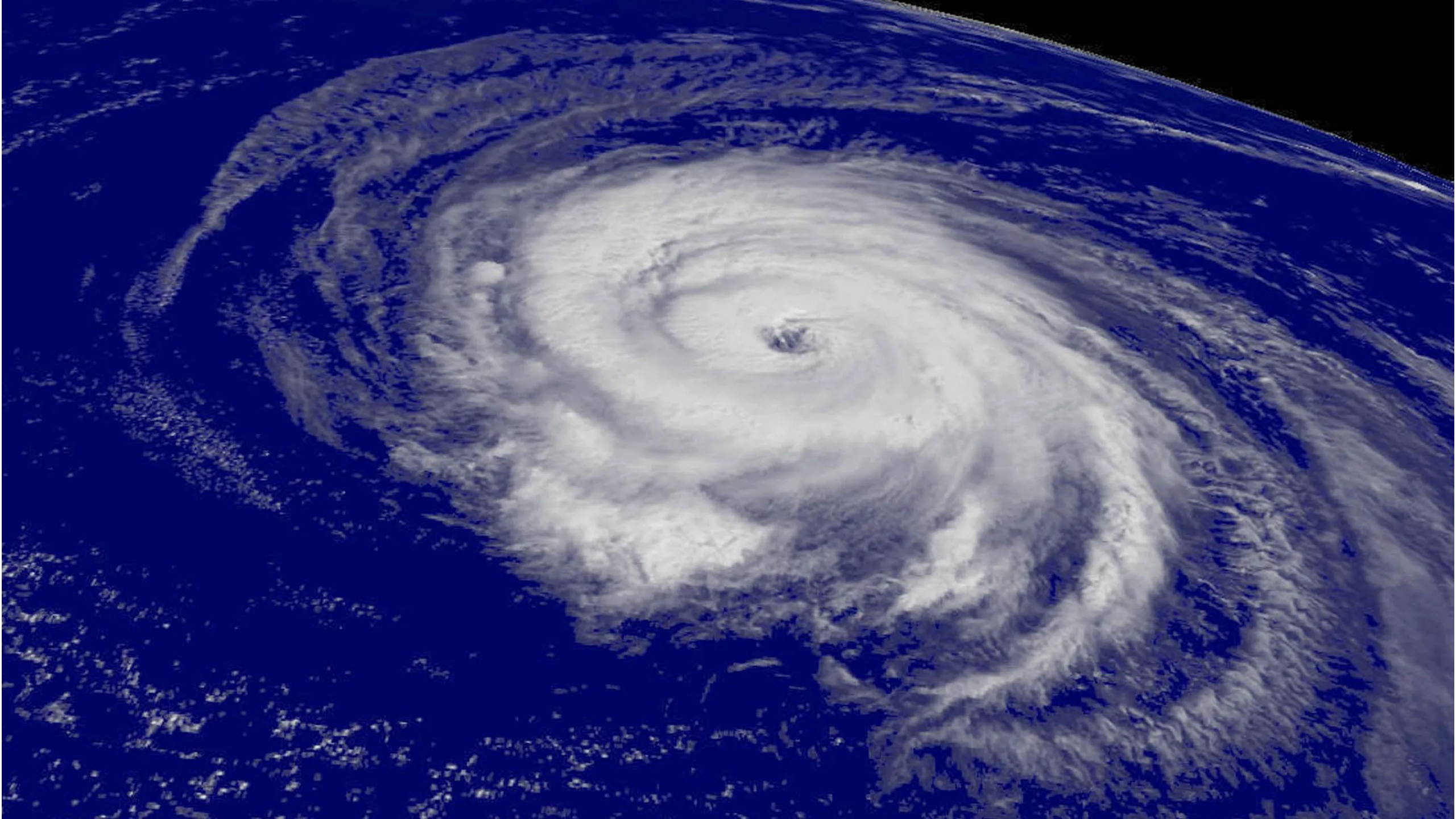
Catholic - 58%

Tuition - \$20,400

Tuition Assistance - 45% of Student Population

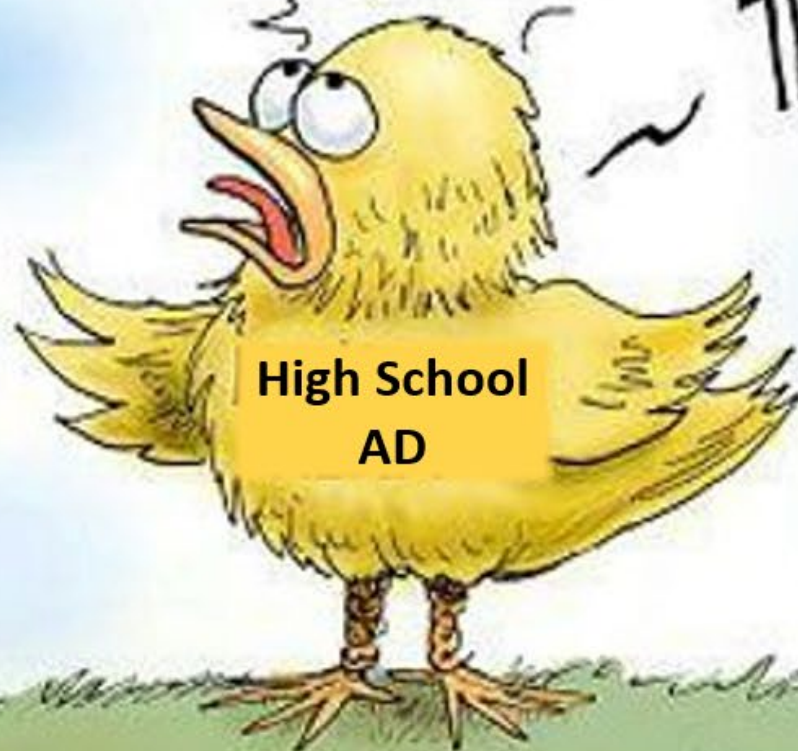




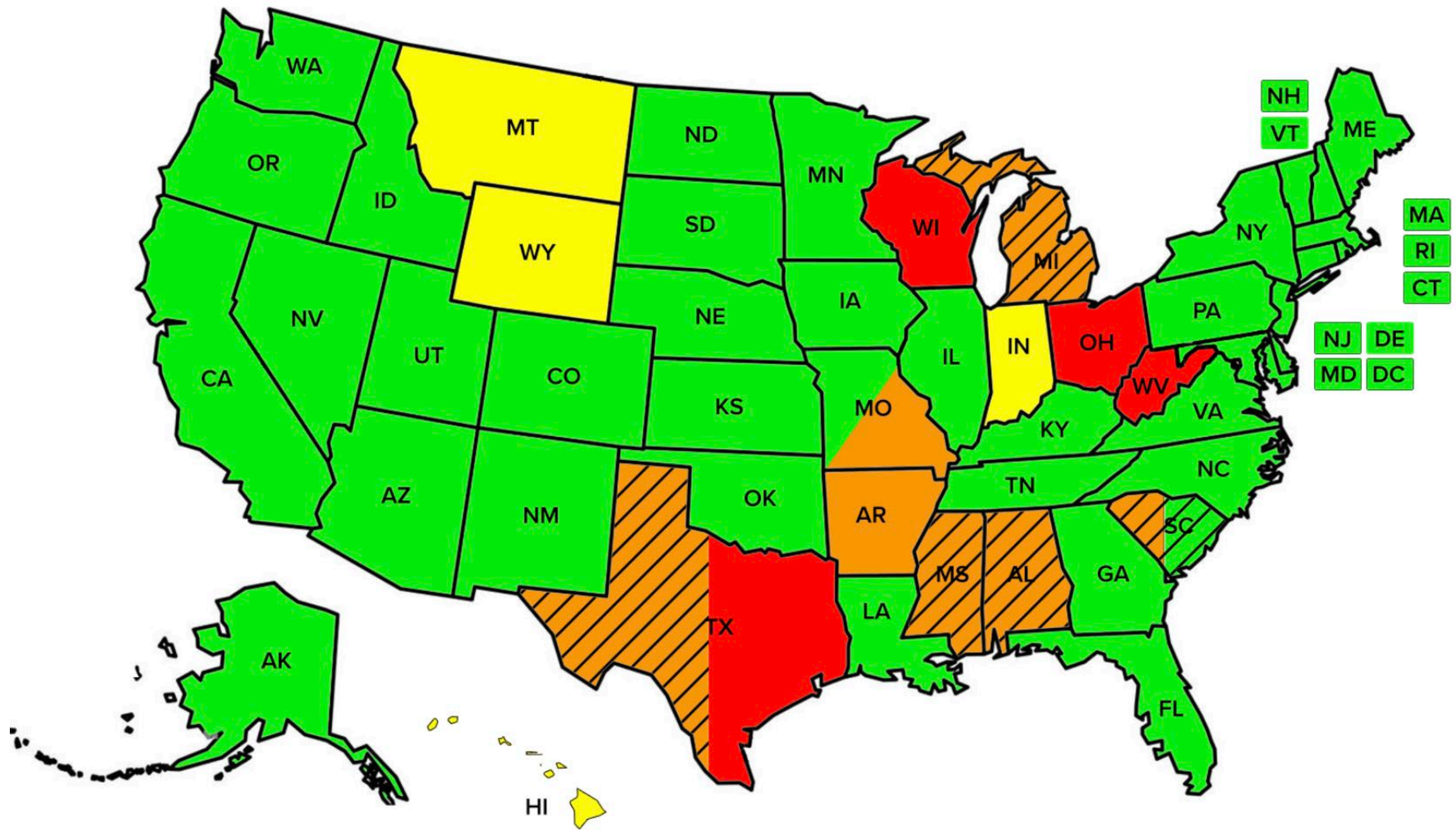


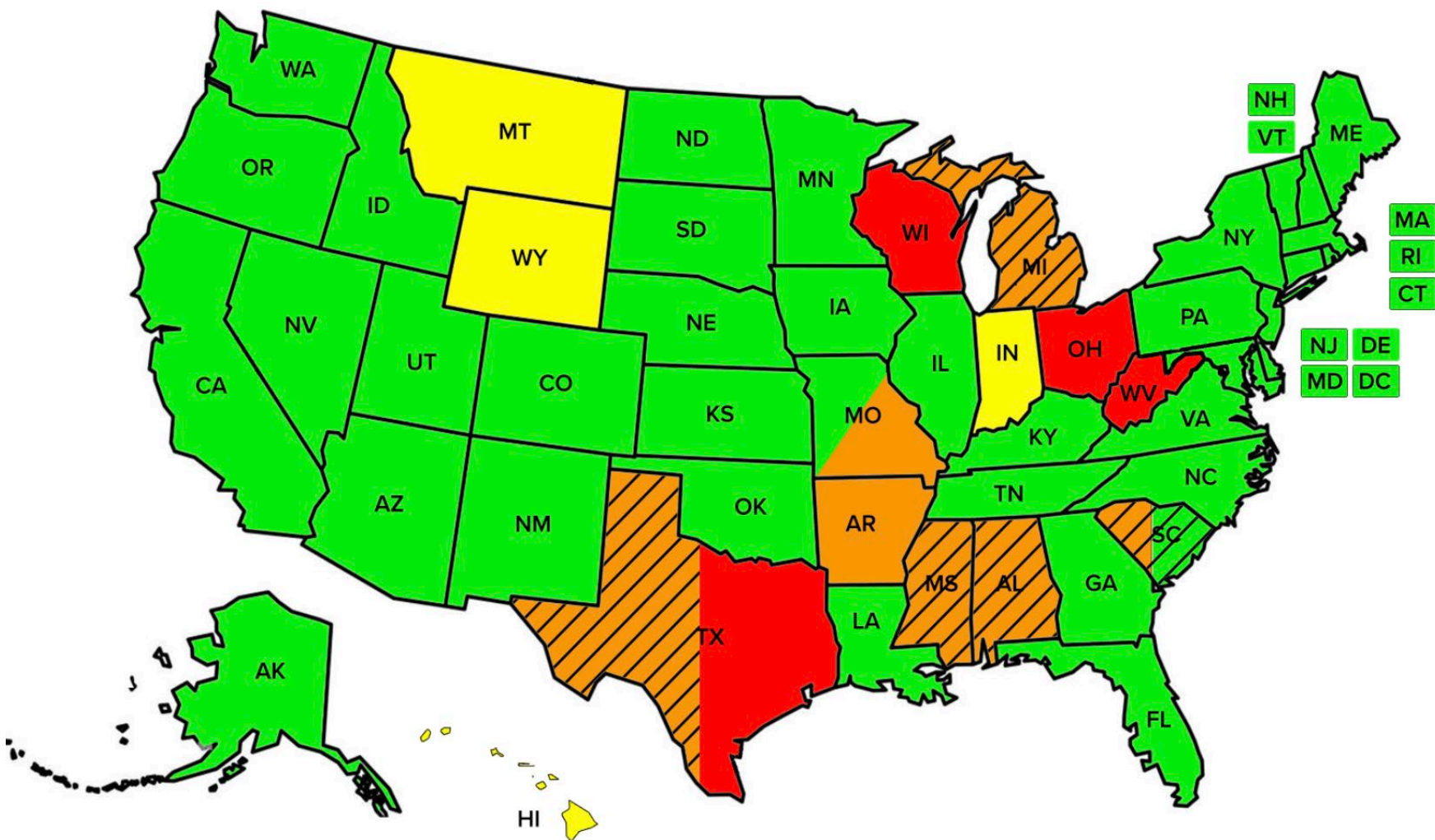


THE SKY IS FALLING!
THE SKY IS FALLING!



High School
AD







Biggest Differences

High School vs. Collegiate NIL

- Collegiate NIL is driven by collectives. - (75% of all NIL deals come through collectives and collectives can now offer SA's contracts that require them to enroll in a specific university)
- Collectives & Clubs, for the most part, are not allowed at the high school level.
- (Collectives do not keep NIL separate from a school's athletic department, so it would be a violation in 99% of states)
- Collegiate NIL is actively being used by a large percentage of athletes at the collegiate level.
(Utilized predominantly in roster management - recruiting & retention)



High School vs. Collegiate NIL

- The percentages of high school student-athletes with NIL deals is very small in comparison to overall participation rates. (stories of high school students now signing with collectives and being paid their final 1-2 years of high school - which would be a violation)
- Decisions made by collegiate athletes are being made with money being the central focus of those decisions.
- Decisions being made by the majority of high school athletes are more about student-athlete experiences and the specific value that they create.





**Understand
your state
policies.**

**Know your
district.**

**Know your
community.**



Education: Understand Your State Policies

- 28,000 high schools in the United States that could have 28,000 different ways to report and handle NIL deals.
- Education based institutions (educational based athletics) –
First and foremost - Do what we do best - EDUCATE!
- Be compliant with your state association but not overzealous gathering information you don't need or can't have.
- Violations: It doesn't matter until it matters. Educate, educate, educate.



Education: Understand Your State Policies

- Ability to make money away from your school is much more difficult with team sport athletes rather than individual.
- Last year .02% of eligible students in the GA had an NIL deal. This year .01% of eligible student have deals.
- This is not the end of the traditional high school athletic experience for 99.9% of those participating.
- Biggest issue across the country is a lack of consistent regulations
Focus on your states policy –
What does my policy look like in practice?



GHSA **NIL** GUIDELINES **OVERVIEW**

A student-athlete may benefit from the use of their Name, Image, and Likeness (NIL) in compliance with GHSA by-law 1.92 PROVIDED:

Compensation IS NOT contingent on specific athletic performance or achievement.

 Student-Athletes CANNOT be compensated for athletic participation or achievement! (achieving all state honors, scoring points / touchdowns / goals, being on a specific team, etc.)

Compensation IS NOT provided as an enrollment or retention inducement.

 NIL activity compensation CANNOT be provided as an incentive to enroll or remain at a specific school!

Compensation IS NOT provided by the school or any person acting as an agent for the school.

 NIL activity compensation CANNOT be provided by the school, school personnel, or individuals that are considered an extension of the school / acting on behalf of the school.

Whether or not a "booster" would qualify as an "agent" of the school will be up for interpretation, and something that would always require a call to the GHSA office to confirm.

Can School Logos / Marks be used?



Intellectual property including, but not limited to, school logos, school name, school mascot, or any trademarked GHSA logo or acronyms may not be utilized for any student-athlete NIL activities.

Can School Apparel be worn?



Intellectual property including, but not limited to, school logos, school name, school mascot, or any trademarked GHSA logo or acronyms may not be utilized for any student-athlete NIL activities.

Can School Facilities be used?



GHSA member school facilities may NOT be used for the purpose of name, image, and likeness activities.

What about local School Policies?



Activities in conflict with a member school's local school district policy may NOT be endorsed through NIL activities. Examples may include: tobacco & alcohol products, controlled substances, etc.

What about professional advisors?



Students and their families should seek professional guidance as to how NIL activities could impact collegiate financial aid and/or tax implications, among other issues.

Is there a notification requirement?



Within (7) calendar days after entering into any type of NIL contract/agreement, a student or their parents/guardians must notify the Principal or Athletic Director of the student's school of entering into that agreement.

NIL Notification Form

Submitted by webmaster on Thu, 10/05/2023 - 12:44

The GHSA NIL Guideline (GHSA Constitution and By-Laws Appendix N) states that:

Within seven (7) calendar days after entering into any type of NIL contract/agreement, a student, or the student's parents/guardians, must notify the Principal or Athletic Director of the student's school of entering into that agreement.

Please complete and submit the following form to fulfill this requirement. Please submit one form per student/agreement - the form may be submitted as many times as needed.

School *

- Select -

Student Name *

NIL Activity (Company) *

NIL Agreement Date *

Education: Understand Your State Policies

GEORGIA

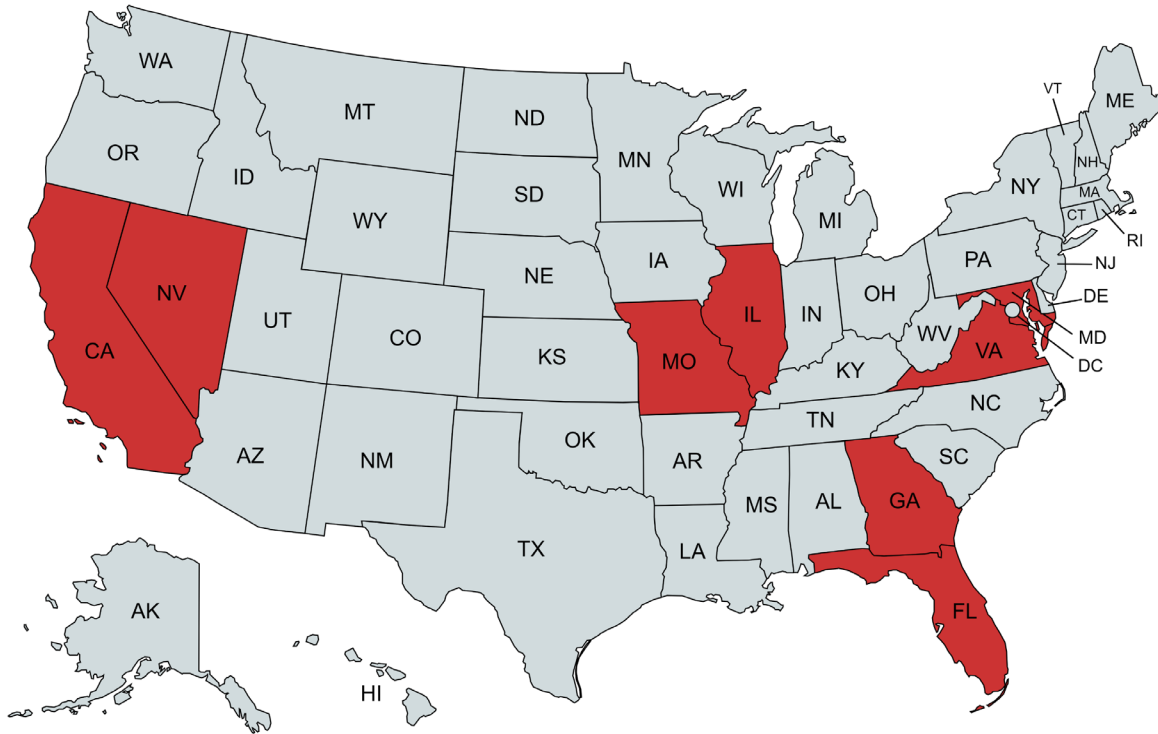


No student-athlete may be a member of nor receive compensation or any other benefit from a Collective or NIL Club.

Booster Clubs are not considered Collectives or NIL Clubs if such Booster Club is operated under the supervision of a member school and provides monetary or other benefits to school athletic facilities, school athletic equipment, school team meals or other school team benefits rather than to an individual student athlete or group of student athletes.

State Comparisons:

California – Nevada – Missouri – Illinois – Maryland – Virginia – Georgia - Florida



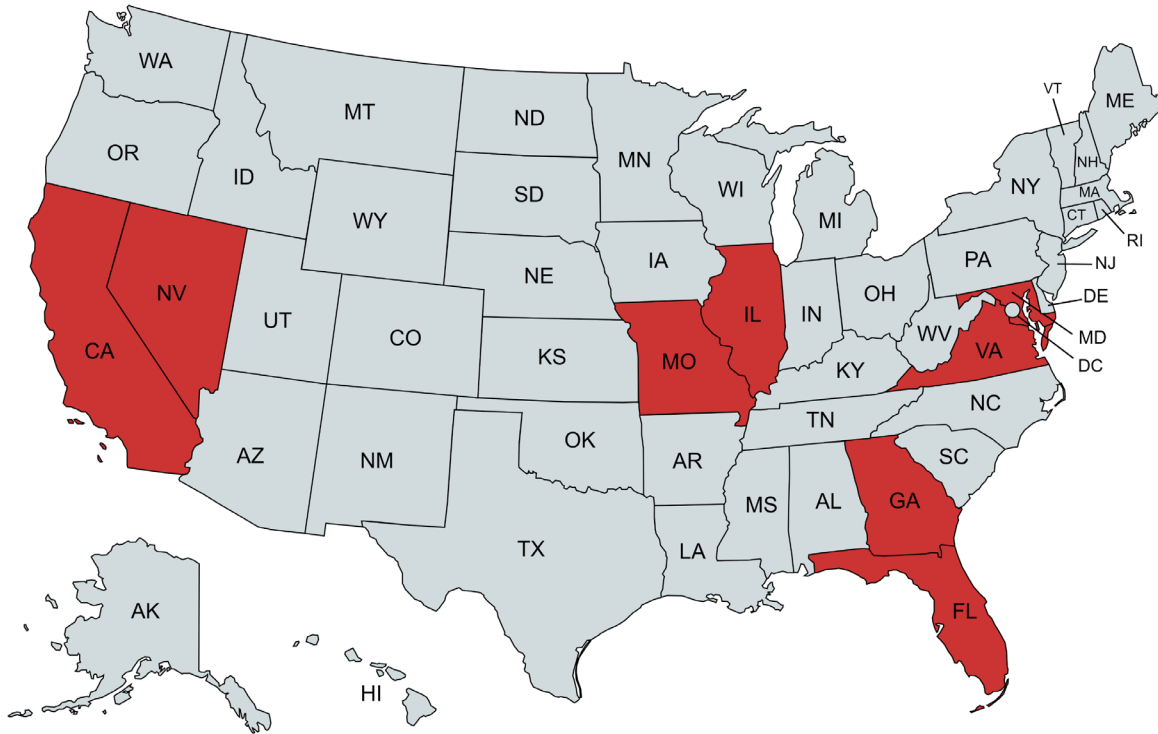
Created with mapchart.net

- **All allow high school NIL for both private and public schools.**
- **In Maryland – Privates are affiliate members of their state association.**
- **In Virginia – Privates are members of the VISAA.**
- **All follow the policies of no school logo, uniform, or facility use.**



State Comparisons:

California – Nevada – Missouri – Illinois – Maryland – Virginia – Georgia - Florida



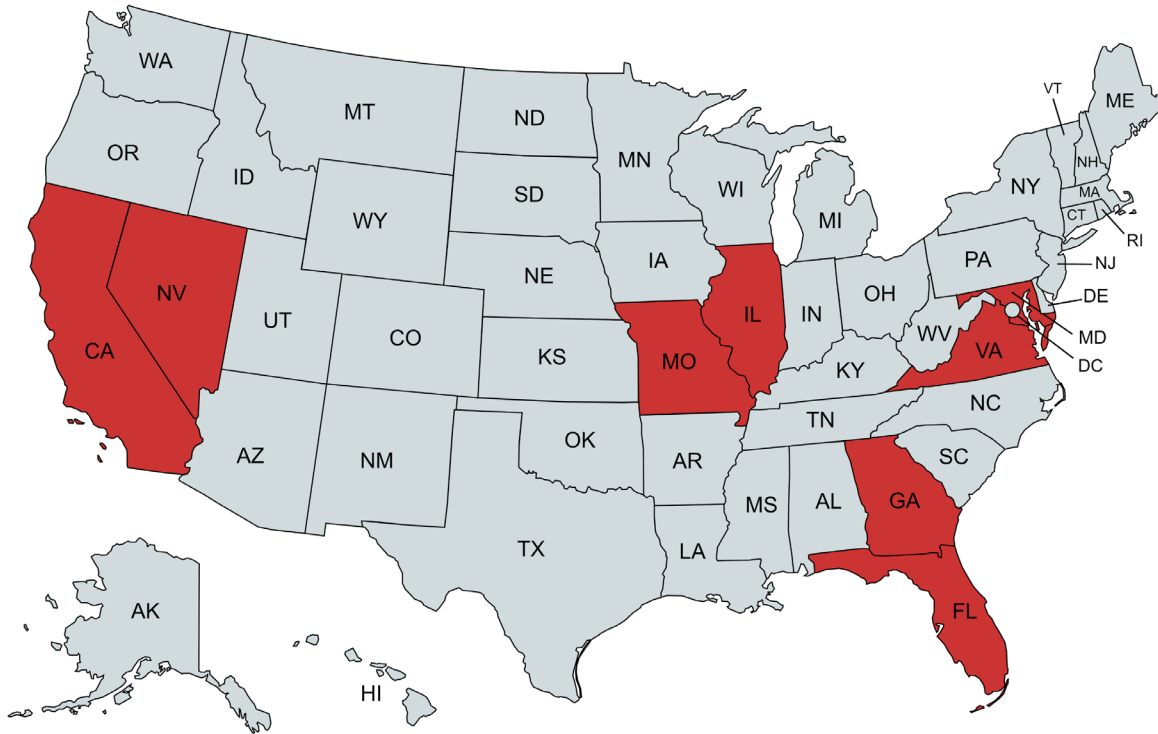
Created with mapchart.net

- **Illinois - Specifies that a student may not engage in NIL activity while traveling to or from an association event.**
- **California - Any appearances by students for nonprofit organizations must be approved by the Board of Trustees**



State Comparisons:

California – Nevada – Missouri – Illinois – Maryland – Virginia – Georgia - Florida



Created with mapchart.net

- **Florida – Universal school choice**
- **Maryland - Private schools are eligible to do whatever they like if they do not wish to play public schools.**
- **Missouri – In-state school commitment requirement prior to NIL deals.**



Educational Highway - All flowing towards the end goal - Education -

Need to remain dynamic...ability to change lanes and 'exit'

Provide guard rails for players and parents

What does the state legislature say?

What does the league say?

What does your school community say?

Any other limitations?



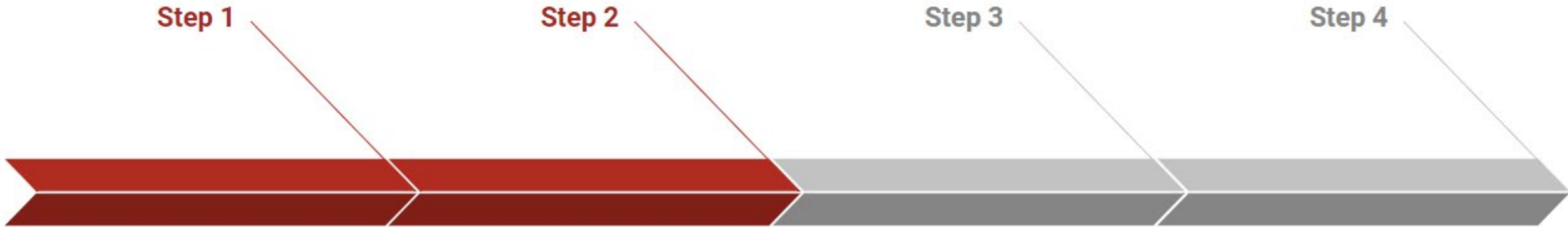
Navigation: Where to begin?

Step 1

Step 2

Step 3

Step 4



School Leadership

Coaching Staff

Student-Athlete

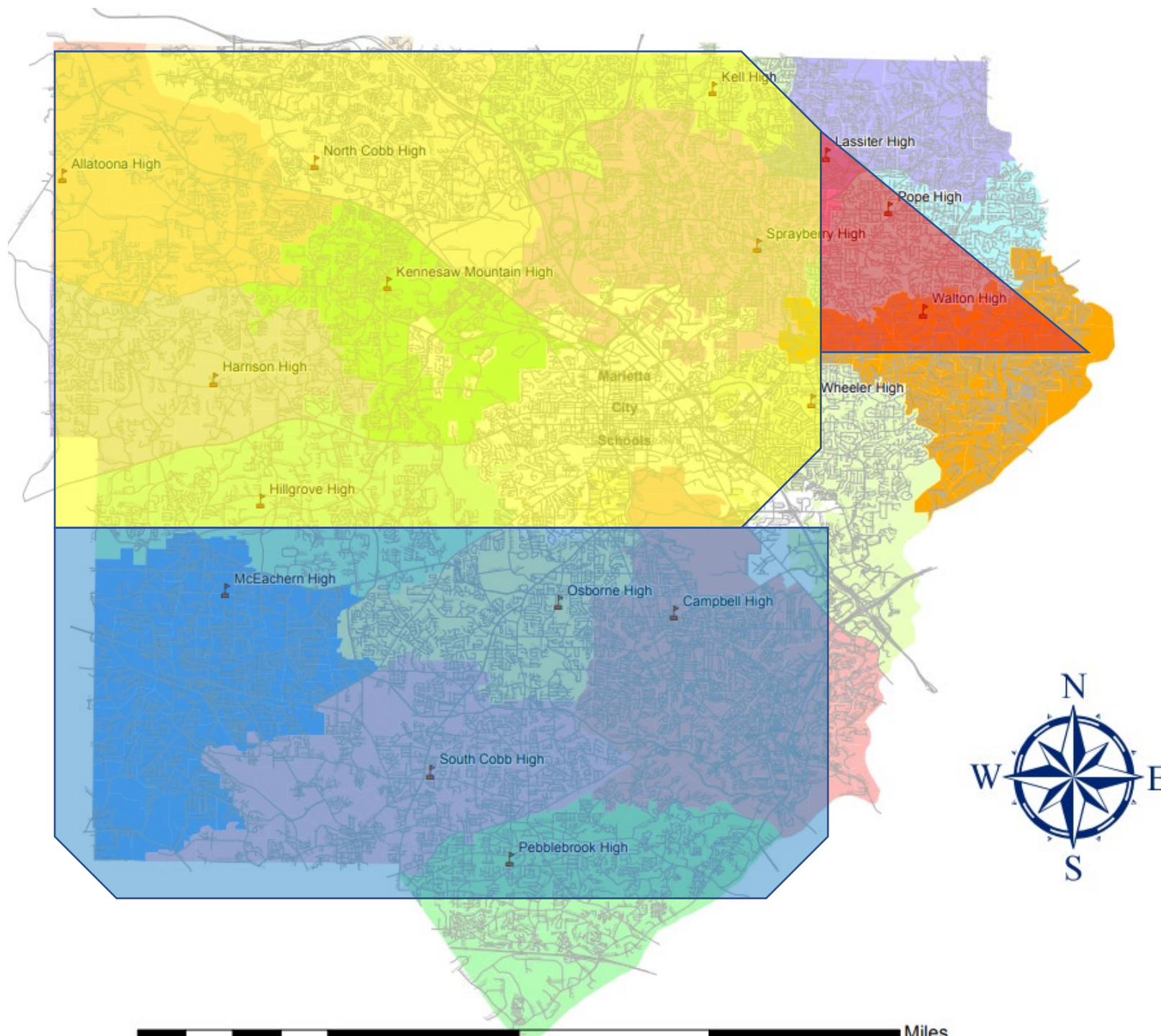
Parents



Know Your District/School

- Areas where there are more businesses as opposed to areas with less = more possible opportunities.
- Schools with a more transient population could see fewer opportunities. If a student is likely to leave, a business may be less likely to offer a deal.
- If schools are located near more small business as opposed to larger corporate entities, it could alter what opportunities they may receive.





Know Your District/School

- Schools with a religious affiliation could prevent opportunities based on certain opinions of the sponsor business.



Know Your Communities

- Are they more blue- or white-collar communities.
- Do they have access to legal representation?



NIL Clubs/Marketplaces

- Know what your state's stance is on “NIL Clubs.”
- Be aware of NIL “marketplaces” that could be a violation to your state's policy.



The Future of High School NIL

- The courts are siding with the athlete's right to monetize their name image and likeness.



North Carolina's high school athletes can now profit off their name, image and likeness after an order requiring the State Board of Education to adopt the proposed permanent rules for NIL was signed into effect on Oct. 14.

Grimsley High School quarterback Faizon Brandon
Tennessee commit and the No. 1 recruit in the class of 2026



The Future of High School NIL

- OL Spencer Dowland was committed to Auburn for over a year, but they exceeded their 85-man limit and offered him a collective scholarship.
- He wanted the security of a full scholarship, so he flipped to Mississippi State.



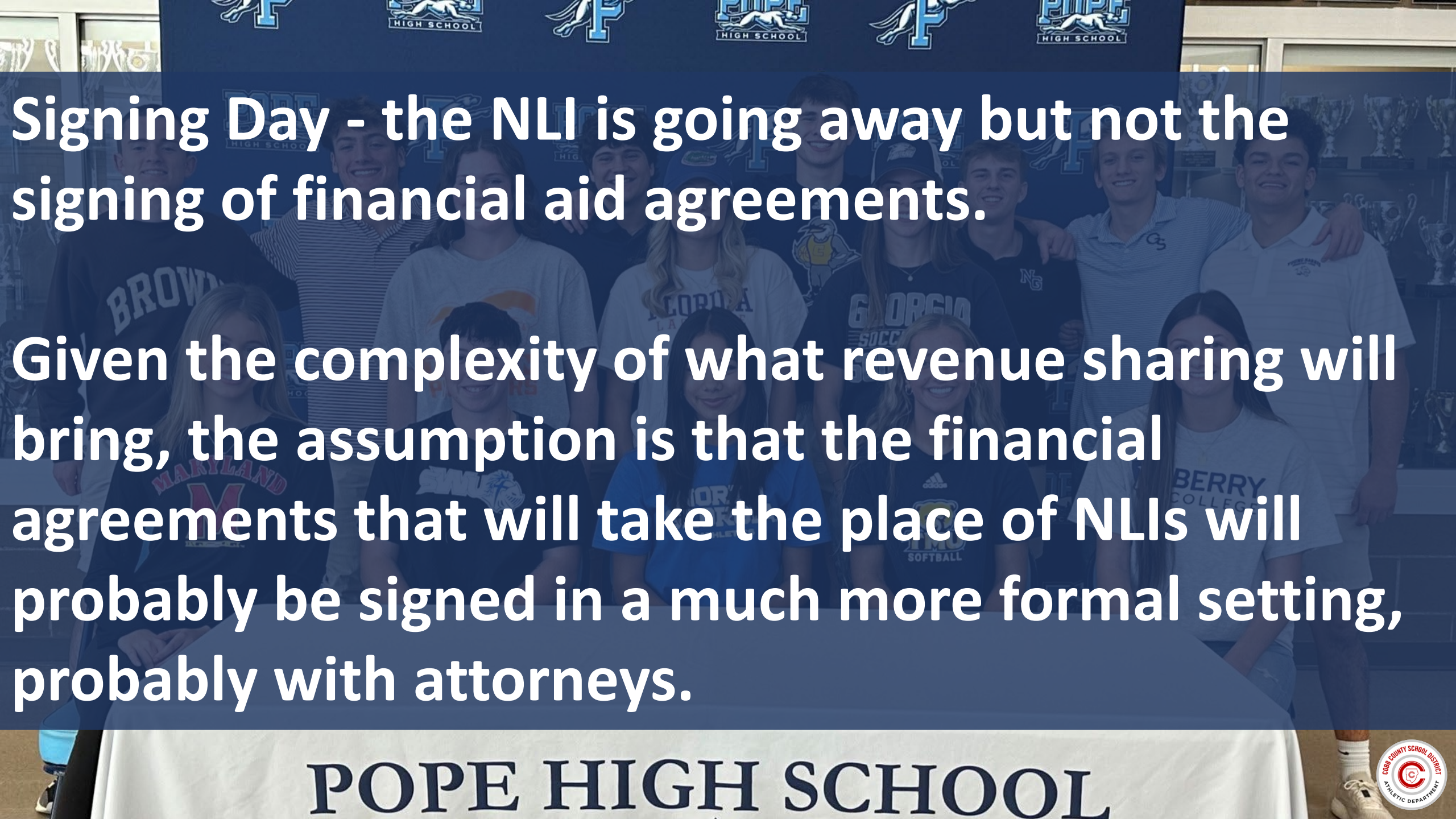
The Future of High School NIL



Defensive back Daniel Okonkwo flipped from Northern Illinois to Georgia.

Okonkwo had a full scholarship to NIU but choose to take a collective scholarship to play at Georgia.



A group of students, both male and female, are posing for a photo. They are standing in front of a dark blue banner that features the Pope High School logo (a stylized 'P' with a panther head) and the words 'POPE HIGH SCHOOL' repeated. The students are wearing various casual clothing, including t-shirts and polo shirts. Some t-shirts have logos for 'BROWN', 'FLORIDA', 'GEORGIA', and 'BERRY COLLEGE'. The background shows a trophy case filled with various sports trophies.

Signing Day - the NLI is going away but not the signing of financial aid agreements.

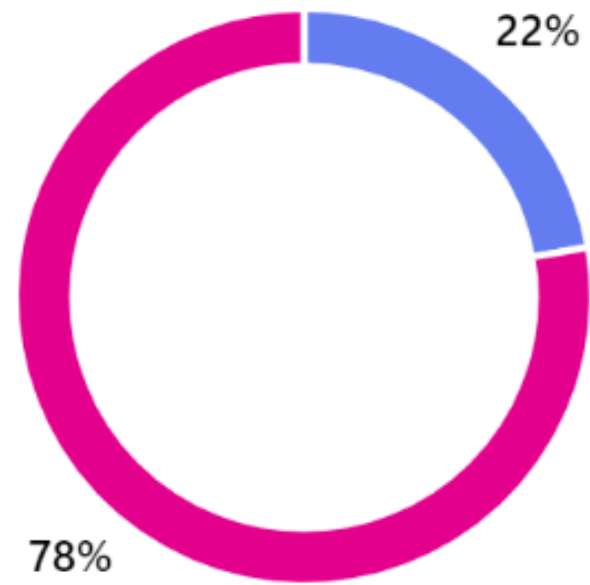
Given the complexity of what revenue sharing will bring, the assumption is that the financial agreements that will take the place of NLIs will probably be signed in a much more formal setting, probably with attorneys.

POPE HIGH SCHOOL



Throughout the recruitment process, did you have conversations with any school regarding NIL compensation?

- Yes 28
- No 98



Check all that apply for people who spoke to you about NIL compensation. If you choose Other as one of your answers, please describe the entity you spoke with (examples could be individual booster, individual company/business). Please do not specify the entity (general description only).

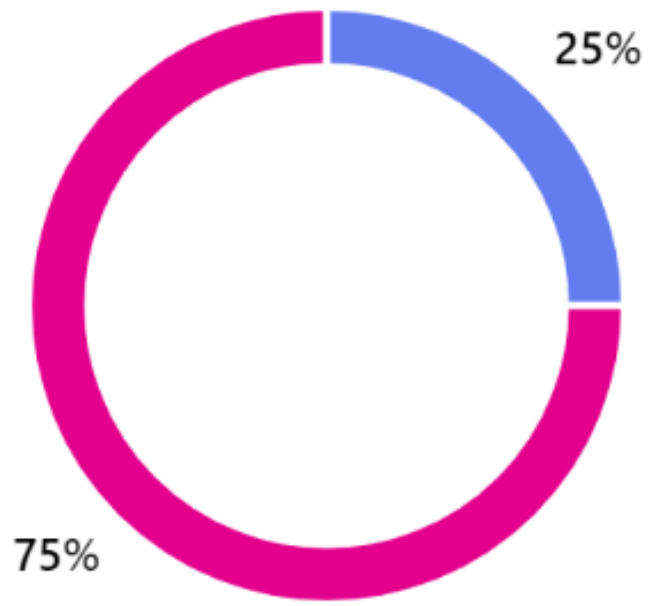


University of Tulsa Football Players Say Promised NIL Money Was Never Delivered
\$100,000 promise behind Matt Sluka’s shocking UNLV exit



Did NIL compensation play a role in the selection of your commitment?

- Yes 7
- No 21

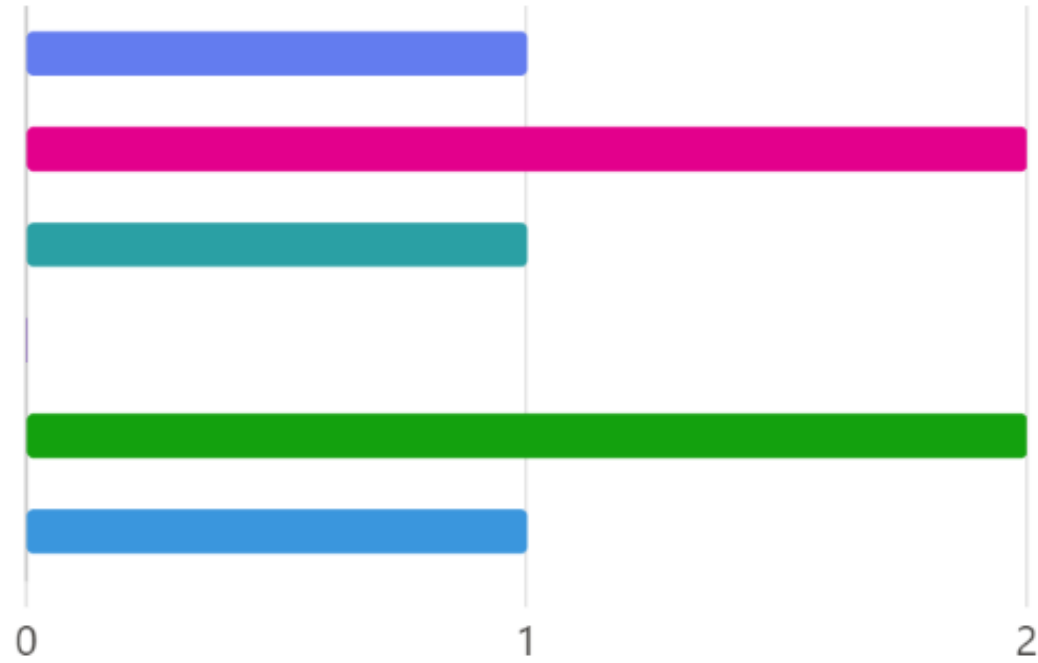


Were you offered any type of NIL money as part of your commitment to the university in the financial agreement presented to you?



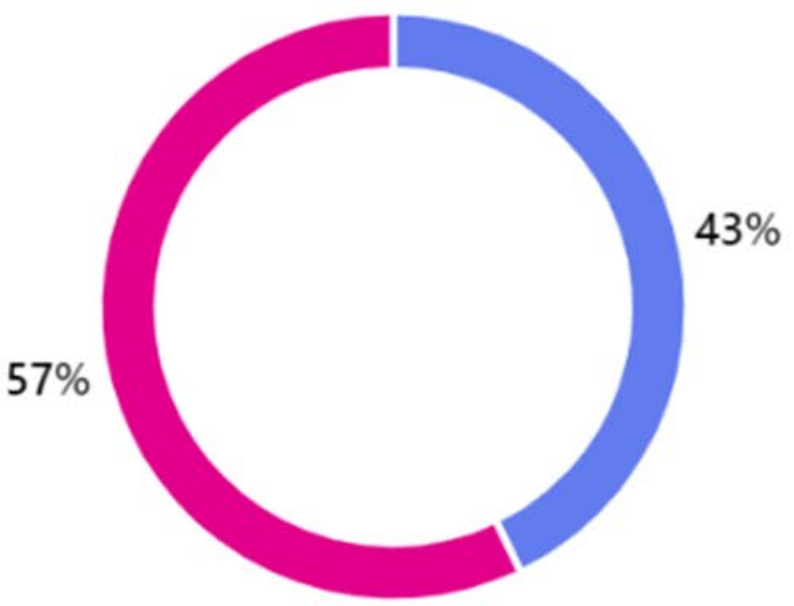
How much money of your financial agreement was part of a NIL package?

- less than \$1,000 1
- \$1,000 - \$2,999 2
- \$3,000 - \$4,999 1
- \$5,000 - \$6,999 0
- \$7,000 - \$10,000 2
- more than \$10,000 1



If you have been offered NIL money, were you provided a contract to review/sign?

- Yes 3
- No 4



The Future of High School NIL

- Lawsuits
- Concerns with lack of understanding of regulations.
- Changing of State Policies – Additions/etc.
- Comparing College NIL and High School NIL.
- Integration into the “Club Scene.”
- Impact on Recruiting for Top Tier (D1) Athletes.



Implications for Stakeholders

Athletes: They must carefully balance academics, athletics, and NIL pursuits while staying compliant with rules.

Schools: Administrators need to develop clear policies and educate students on NIL boundaries.

Coaches: Play a key role in mentoring athletes to make informed decisions without compromising team dynamics.

Parents and Guardians: Must stay involved, particularly in evaluating the legality and ethicality of NIL deals.



Proactive Steps for Navigating NIL at the High School Level

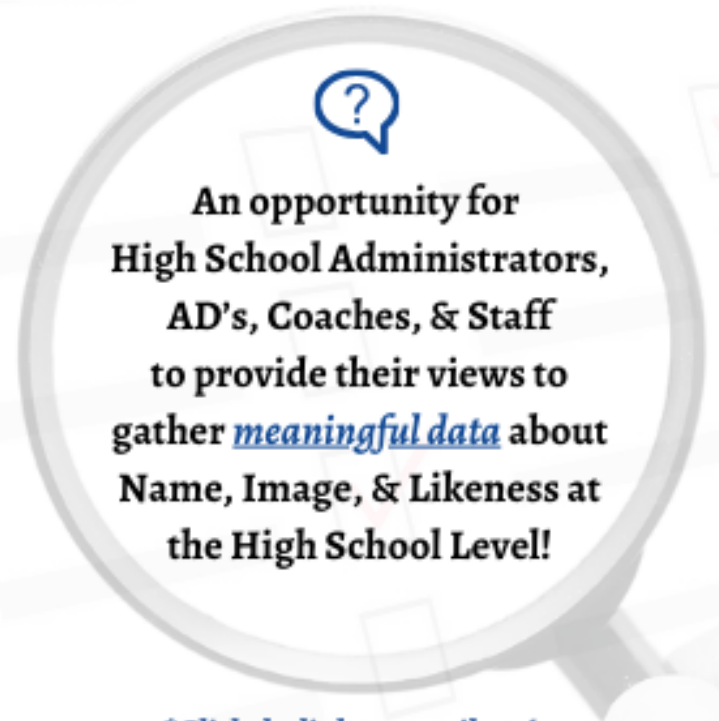
- Education: Schools and associations should offer workshops on NIL regulations and financial literacy.
- Clear Policies: Develop transparent, state-aligned NIL policies that outline what is and isn't permissible.
- Legal and Financial Guidance: Encourage families to consult professionals for contract and tax advice.
- Monitoring and Support: Establish systems to ensure athletes' NIL activities align with educational and athletic commitments.





Goal: High School Specific Data

TO BETTER HELP NIL STAKEHOLDERS AROUND THE COUNTRY,
WE'D LOVE YOUR FEEDBACK ON THE FOLLOWING SURVEY

A background graphic featuring a magnifying glass with a question mark icon inside its lens, positioned over a checklist with several items, some of which are marked with red checkmarks.

An opportunity for
High School Administrators,
AD's, Coaches, & Staff
to provide their views to
gather meaningful data about
Name, Image, & Likeness at
the High School Level!

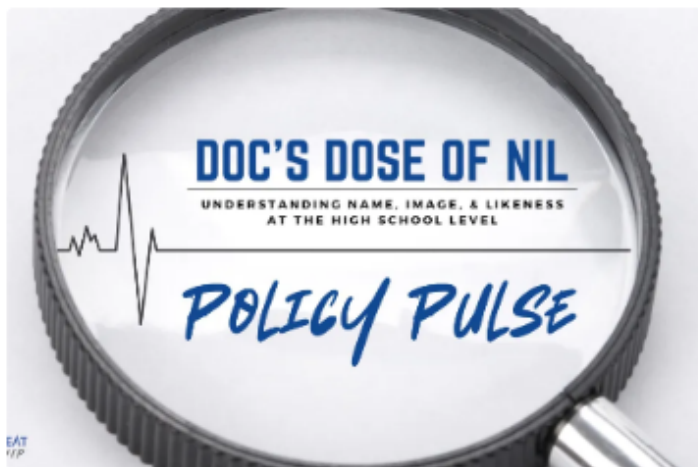


**Click the link to contribute!*



bitly

<https://bit.ly/HS-NIL-Poll>



Doc's Dose of NIL - "Policy Pulse" Edition

The Policy Pulse: Analyzing High School Name, Image, & Likeness (NIL) Regulations

SEP 24 • DOC'S DOSE OF HIGH SCHOOL NIL

Latest

Top

What we can learn from the recent Wisconsin High School NIL Vote...

If you follow the world of Name, Image, & Likeness policies at the high school level, then you probably already know that the...

MAY 9 • DOC'S DOSE OF HIGH SCHOOL NIL



Doc's Dose of High School NIL Education

Updates, Tips, & Considerations for understanding Name, Image, & Likeness at the High School Level.



@HangingWiththeAD Podcast Interview...

I had the pleasure this week to be the featured episode on the Hanging With the AD Podcast hosted by Don Baker (CMAA),...

APR 3 • DOC'S DOSE OF HIGH SCHOOL NIL

*Online Newsletter focused
on High School NIL*

<https://nileducation.substack.com/>



AD Resources

