

# NCAA ELIGIBILITY UPDATES: WHAT ATHLETIC DEPARTMENTS MUST KNOW ABOUT RECENT GAINS IN COURT AND NEW “FIVE-FOR-FIVE” PROPOSAL

Insights  
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## NCAA Eligibility Updates: What Athletic Departments Must Know About Recent Gains in Court and New “Five-for-Five” Proposal

After years of playing defense in federal court, the NCAA has recently put a few important points on the board in its efforts to preserve competitive balance and maintain clear eligibility standards for student-athletes. Two recent federal appeals court rulings upheld key aspects of the association’s five-year eligibility framework and curtailed lower court injunctions that threatened to undermine the NCAA’s ability to enforce uniform rules. These recent developments reinforce the NCAA’s authority to govern when, how, and for how long student-athletes may compete. At the same time, however, the NCAA is considering significant reforms to its longstanding Division I eligibility model, meaning athletic departments should be prepared for more change. We’ll explain what these developments mean for your athletic department and offer five practical steps you can take now to prepare.

### The NCAA’s Current Five-Year Rule

NCAA eligibility rules have long centered on the “Five-Year Rule,” which permits Division I athletes to compete for four seasons over five calendar years from their initial full-time college enrollment. Within that period, student-athletes can use a redshirt year to sit out a season without losing eligibility.

### Related People



**Michael E. Bonner**  
Partner

[954.847.4726](tel:954.847.4726)



**Danielle R. Gershen**  
Associate

[213.403.9619](tel:213.403.9619)

Historically, there has been additional flexibility through medical hardship waivers or special exemptions (such as COVID-related extensions) that have allowed some student athletes to far exceed the Five-Year-Rule, with athletes receiving up to nine years of collegiate eligibility in some instances.

## Recent Developments in Eligibility Lawsuits

Challenges to the NCAA's eligibility standards have been commonplace in recent years following the Supreme Court's landmark *Alston* ruling. While several prior lawsuits challenging the eligibility rules (largely based on alleged violations of antitrust laws) have been successful, two recent federal appeals court decisions indicate a possible shift in favor of the NCAA.

### 1. *Robinson v. NCAA*

This case began last year when four West Virginia University football players contested the NCAA's "JUCO Rule," which counts junior college time toward the five-year eligibility limit and rendered the student-athlete plaintiffs ineligible for the 2025–26 season. The district court issued a preliminary injunction in August that allowed them to play for the full season while the NCAA's appeal was pending – but that order was recently vacated by the 4th Circuit.

In an April 3 decision, the appeals court concluded that the lower court applied the wrong standard in determining whether the injunction was appropriate and "failed to require the Players to meet their heavy burden of proof as to anticompetitive effects."

### 2. *Blythe v. NCAA*

In a similar case, a University of Nevada baseball player argued that the NCAA's five-year eligibility clock should not count his prior participation at NAIA and Division II schools due to limited Division I exposure and lost opportunities to earn name, image, and likeness (NIL) compensation. The district court granted an injunction in February allowing the student-athlete to play in his sixth season of eligibility.

On appeal, the NCAA countered that the rule's procompetitive benefits were not outweighed by the athlete's lost opportunities. In an April 8 ruling, the 9th Circuit agreed and tossed the lower court's injunction –



**Joshua D. Nadreau**

Regional Managing Partner  
and Vice Chair, Labor  
Relations Group

617.722.0044

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upholding the NCAA's eligibility limit and ending the athlete's college career.

## **The NCAA's New Eligibility Proposal: The "Five-For-Five" Model**

On April 15, the NCAA Division I Cabinet proposed age-based reforms for incoming 2026-27 student-athletes that would replace the Five-Year Rule model and eliminate most waiver-driven extensions. The proposal, dubbed the "Five-For-Five" model, provides for five consecutive competition seasons starting at high school graduation or age 19, whichever occurs first.

In practice, this eligibility rule would relieve institutions from monitoring redshirt seasons, extensions, and most waivers, with limited exceptions for pregnancy, military service, or religious missions. This would be a major operational shift for athletic departments, coaches, and administrators accustomed to tracking eligibility through a patchwork of seasons, waivers, and exceptions.

Last week, the Division I Board of Directors directed the Division I Cabinet to move forward with this new age-based eligibility format. The Board of Directors noted that the changes serve to simplify and stabilize collegiate athletics, likely signaling a goal of minimizing further eligibility-based lawsuits. It also clarified that the age-based format would not apply retroactively to student-athletes whose eligibility is or will be completed by spring 2026.

In addition, student-athletes who plan to opt-in to a professional league draft may do so once without losing college eligibility, as long as they withdraw by the applicable deadline. This change does not apply to sports like MLB or NHL, where players may be drafted without declaring.

## **What Should You Do If the "Five-For-Five" Model is Approved?**

The proposed eligibility changes remain under review through the NCAA's approval process and are expected to advance to the Division I Council later this month. Until any revisions are formally adopted, Division I Athletic Departments should continue to operate under the existing NCAA bylaws for eligibility rules and monitor pending changes. However, because any reforms could take effect immediately once approved, your institution should consider

taking the following steps now to get ahead of these changes:

**1. Update Materials and Trainings:** Revise all recruiting materials, scholarship agreements, and templates to reflect the new potential Five-For-Five model.

**2. Train Coaches, Staff, and Stakeholders:** Prepare Compliance Departments to schedule mandatory training sessions for coaches, academic advisors, staff, and other stakeholders to advise on new rules soon after any approval.

**3. Audit Current Rosters:** It is unclear if the new Five-For-Five model applies to student-athletes enrolled with remaining eligibility after Spring 2026. As the specifics are ironed out, plan to assess the impact of the Five-For-Five model on current student-athletes and existing scholarship commitments. Identify student-athletes who transferred from junior colleges or Division II or III programs who may gain an additional year of eligibility – the current proposal applies only to Division I institutions.

**4. Prepare Revised Waivers:** Update waiver templates, as Five-For-Five eliminates most existing opportunities to extend eligibility through hardship, medical, or low-participation waivers.

**5. Contingency Clauses for NIL Contracts:** Review institutional NIL clearinghouse protocols and assess whether any multi-year NIL agreements should include eligibility contingency clauses. These clauses should cover whether payment obligations cease in the event an athlete loses eligibility because of the new rule.

## Conclusion

The state of collegiate athlete eligibility is currently in flux. To stay up to date concerning legal developments in this area, please feel free to reach out to your Fisher Phillips attorney, the authors of this Insight, or any member of our [Sports Industry Group](#) or [Higher Education Team](#) with any questions regarding NIL and college athletics. We'll continue to monitor the status of developing NIL and college athletics legislation and will provide updates as warranted, so make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information directly to your inbox.

