Investigating Name, Image, and Likeness Through Project-Based Learning

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The 2021 Supreme Court ruling granting college athletes the right to monetize their name, image, and likeness (NIL) was greeted in equal measure by enthusiasm and confusion by college athletes and the institutions for which they compete. This article suggests an approach whereby college classes can provide guidance for college athletes to navigate the nascent, evolving NIL rules and provide an opportunity for current, relevant project-based learning. The Name, Image, and Likeness Knowledge Hub, created at a mid-Atlantic, Division I university, had limitations in its deliverable—a guide for college athletes seeking to leverage their NIL rights—but it represents a novel learning opportunity because of the uncertainty surrounding NIL. This can offer engaged learning for classrooms in a variety of academic disciplines. In addition, small and mid-sized university athletic departments can use this approach to help build institutional knowledge of the new athlete rights and obligations while forming robust learning partnerships with academic units on their campuses.

Keywords: project-based learning; name, image, and likeness; NIL; pedagogy; personal brand

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Introduction

On July 1, 2021, the financial landscape of collegiate sport shifted seismically. A ruling in Alston v. National Collegiate Athletic Association by the United States Supreme Court granted athletes in Divisions I, II, and III the right to monetize their name, image, and likeness (NIL; Noll, 2022). The unanimous decision sparked considerable excitement about new opportunities for athlete entrepreneurs, with thousands of deals being signed nationwide within the first few months (Dosh, 2021). The majority sentiment of observers is that granting permission to sign NIL contracts was a long-overdue rebalancing of the rights of collegiate athletes (Bilas, 2022; Perloff, 2022). However, implementation of NIL rights has come with several challenges. The lack of oversight (Thompson, 2023) and frequently changing rules governing NIL have been a challenge for compliance units of university athletic departments (Claybourn, 2023). As well, some critics say the bundling of athletic booster funds into NIL “collectives” to lure recruits violates the spirit of the new rights, which are not supposed to amount to “pay for play” (Dodd, 2022).

There is also a sense that many colleges and universities did not provide enough support to their athletes when the legislation was enacted, leading to challenges such as students being shortchanged in the contracts they did sign, being unaware of tax implications, or risking their eligibility altogether (Planos, 2022). Hundreds of university athletic programs across the United States have reached agreements with third-party agencies such as Opendorse (Wittry, 2021), consciously stepping back from an oversight role. Bromberg (2021) noted that some universities were more prepared to turn NIL into an educational opportunity for students, including hiring personal brand coaches and building academic curricula around it. Within this patchwork of initiatives, there is a recognition by universities that although NIL is popular, the rapidly changing rules surrounding it add even more responsibilities for overburdened athletic administrators (Ray, 2023). That widely held belief presents an opportunity for higher education faculty to help fill a void by working with athletic departments to design learning opportunities that will benefit students and their athlete peers in a nascent and evolving real-life scenario. Faculty members in various disciplines should endeavor to create such mutually beneficial opportunities by designing curricula around the new legislation.

This article and case study exploration of one such partnership—the Name, Image, and Likeness Knowledge Hub, created at a mid-Atlantic, Division I university—considers how the groundbreaking court ruling and evolving legislation can provide an opportunity for engaged learning and scholarship. The eagerness of college athletes to avail themselves of their new monetization opportunities, with the gap in understanding of the new and evolving rules, means that NIL affords a unique opportunity for novel approaches in various academic disciplines.
Literature Review

Engaged Learning

Starting with their introduction by the American Association of Colleges and Universities in 2007 (AAC&U), a total of 11 educational methods known collectively as high-impact practices have gained prominence nationwide. The high-impact practices—including internships, service-learning, writing-intensive classes, and undergraduate research—positively impact degree completion (McDaniel & Van Jura, 2022). Though definitions vary to some degree, engaged learning has emerged as a theory of pedagogy with a track record of successful outcomes, encompassing many of the pillars of the AAC&U’s high-impact practices. Defined by Lewittes (2009) as “an active process in which knowledge and understanding are acquired through participation, inquiry, involvement, and direct experience” (p. 6), engaged learning seeks to use tactile experiences in and, especially, outside of the classroom to provide real-world experience and opportunities for reflection. Nationwide, post-secondary institutions promote their engaged learning initiatives on their university websites, which they say, “create practices beyond the traditional” (James Madison University), “steps out of the classroom and engages … around the world” (Cornell), and “equip you, our future leaders, with the skills and confidence you need to solve some of society’s most vexing challenges” (IUPUI).

For decades, sport management and other sport-connected disciplines have recognized the importance of hands-on application (Bennett et al., 2003; O’Shea & Watson, 2007; Williams & Parker, 2016) because of the competitive nature of the industry for career aspirants and because many of the skills required for enlightened sport administration are challenging to learn in a classroom. In the process, these faculty members—consciously or unconsciously—have incorporated tenets of the AAC&U’s high-impact practices into their curricula. One such framework in which to structure high-impact student learning opportunities is project-based learning (PBL), which has long been championed in K-12 settings (Larmer et al., 2015) but is also an effective approach in higher education (Žerovnik & Šerbec, 2021).

Project-Based Learning

The constructivism theory of learning suggests that learning is an active pursuit where knowledge is developed through experience rather than something acquired through a passive process. PBL challenges students to learn through actively engaging in complex tasks to develop skills such as critical thinking, entrepreneurship, collaboration, communication, and reflection, all couched
in a relevant and current real-world context (Žerovnik & Šerbec, 2021). PBL has been deployed in classrooms from middle school (Grant & Branch, 2005) to the post-secondary level, where Worcester Polytechnic Institute has for nearly 30 years made PBL a significant component of the university’s degree requirement (Wurdinger & Qureshi, 2015). For educators seeking to implement PBL, resources have evolved to better promote high-impact practice in PBL initiatives, such as the Buck Institute for Education’s *PBL Works*, including its Project Design Rubric (Buck Institute, n.d.).

According to Mergendoller (2018), PBL helps create confident individuals by enabling students to develop and master skills necessary for success by building the personal agency needed to tackle challenges. To be considered high-quality project based learning (HQPBL), six criteria have been identified that must be present (Mergendoller, 2018):

1. **Intellectual challenge and accomplishment** ensure that students go further than simply remembering information by actually using what they have learned. This requires students to confront a challenging problem that is often open and evolving. Such ambiguity thus provides the opportunity for students to be innovative and creative in addressing the ill-defined problem rather than simply following a pre-determined path outlined by the instructor.

2. **Authenticity** is the criterion that separates HQPBL from traditional teaching, and there are five ways to make projects more meaningful and relevant. First, the project can include authentic context that will encourage students to consider thoughts, decisions, and actions in “real-world” scenarios. Second, students complete “real-world” tasks as they engage in the project, such as involving experts or employing technologies common in the industry (e.g., project management and communication tools). Third, projects can have a “real-world” impact beyond the classroom. Fourth, projects may have personal authenticity for students by addressing interests, issues, and concerns important to the individual. Finally, encouraging students to make reasonable choices about the project can promote student engagement. Although a particular project may not include all five types of authenticity outlined, linking multiple types may help increase motivation, memorability, and overall satisfaction in the project.

3. The **public product** ensures the project is available for public display, discussion, and critique. Although assessment begins among peers involved in the project, encouraging stakeholders to view, appraise, and ultimately utilize the project makes it more consequential and valuable, thus engendering goodwill within the community.

4. **Collaboration** is essential in HQPBL because the complexity of the project requires students to work as a team to increase efficiency
by matching individual skills to necessary tasks. However, collaboration can (and arguably should) extend beyond the classroom by connecting with relevant stakeholders. Respectful discussion and the open exchange and connection of ideas will help students achieve deeper learning.

5. **Project management** encourages the abandonment of instructor-prescribed assignments (i.e., specifying who, what, when, etc.) in favor of developing an environment that provides the scaffolding, monitoring, and coaching needed for students to take a more active role in conceptualizing, planning, and executing project activities. By allowing students to be more intentional and involved in decision-making for such complex projects, they build important resource management skills.

6. **Reflection** puts the onus on students to articulate what they already know and recognize what they still need to learn by assessing the strengths and weaknesses of their project, as well as assessing their own skills. Reflection should follow a four-step hierarchical model, starting with *description* (reporting what was done), followed by *justification* (why it was done), then *critique* (evaluates the result), and finally, *discussion* (what it means for future activities).

Furthermore, Žerovnik and Šerbec (2021) suggest that PBL is an effective vehicle through which to achieve important 21st century skill acquisition, such as oral and written communication skills, working productively in teams, developing an understanding of customer and business focus, listening for meaning and comprehension, prioritizing work and self-evaluation, developing original solutions to novel problems, and leading and acting responsibly (Anderson Koenig, 2011).

**Name, Image, and Likeness**

There has been an initial flurry of academic literature about NIL regulations since the 2021 Supreme Court ruling, focusing on the legal aspects of the decision (Jessop & Sabin, 2021), first amendment rights (Ehrlich & Ternes, 2021), athlete self-presentation (Bender, 2021), issues surrounding NIL collectives (O’Brien, 2022), and many other reflections of the groundbreaking policy. Scholars have begun to consider the educational opportunities embedded in the evolving regulations (Gerace, 2021), but the process has been glacial. Miller (2022) suggests reforms to re-center education as the legislation evolves, including providing more opportunities for athletes to prioritize their identity as a student and a more equitable division of the revenue generated by collegiate sport.

What little educational scholarship exists about NIL has almost exclusively focused on potential benefits for college athletes—how they can maximize their earning potential (Cocco & Moorman, 2022), understand the tax implications
of any income earned (Messina & Messina, 2022), and the value for athletes of their own personal brand (Savedge, 2020). Work at this intersection of classroom instruction and NIL warrants further exploration, as the potential of NIL as a research bed for classes in marketing, communications, sport management, and law could benefit multiple stakeholder groups, including budding learners. The following case study considers a project-based learning approach to acquire, synthesize, write, and present current, relevant information about nascent NIL rules and their application to college athletes at one specific university and potentially other mid-sized institutions.

**Case Study: The NIL Knowledge Hub**

In the Fall 2022 semester, students in two classrooms at a mid-Atlantic, Division I university collaborated with their athletic department on the NIL Knowledge Hub, a semester-long project seeking to build institutional knowledge of NIL processes among the university’s college athletes. Assessing the gaps in knowledge about the new and evolving NIL regulations in tandem with the athletic department, students in a course titled “Sport and Strategic Communication” broke down aspects of NIL, assembling a “hub” of knowledge in four topic areas: a) Contracts and other legal documents; b) Media rights; c) NIL best practices; and d) Leveraging opportunities as a student of the institution. Contemporaneously, students in a course titled “Marketing and Policy and Strategy” worked with a group of athletes to create personal brands in a two-part project that explored the athlete’s interests and potential brand opportunities, followed by a brand proposal shared with the athlete. Students in the marketing class also contributed a section on personal brands to the final Knowledge Hub, which lives with the athletic department as an updatable resource guide. Finally, students from the two classes planned and delivered a presentation about the Knowledge Hub, an event made available in person and on Zoom to the institution’s entire cohort of athletes.

It is worthwhile to examine the NIL Knowledge Hub through the lens of HQPBL—intellectual challenge and accomplishment, authenticity, public product, collaboration, project management, and reflection (Mergendoller, 2018). Mergendoller writes that before launching an HQPBL project, “teachers assess the skills and knowledge necessary for project success and determine how to prepare students before the project begins and/or provide lessons and other scaffolds once the project starts” (p. 3). For the Knowledge Hub, instructors from the two classes met with the athletic department in April, five months before the fall semester began. The marketing class conducted an initial version of the personal brand project in the summer semester before the formal collaboration began. In the first week of the fall semester, the NIL projects were introduced as
“capstone” assignments and groups assigned. Formal work on both projects began in Week 3 and included significant signposting. Both classes turned in work on multiple deadlines where it was assessed and could be revised. In the sport communication class, the revisions were crowd sourced through a shared document, so students could peer review and make suggestions for their classmates’ work. Once the initial data was collected in the four “knowledge” areas (in sport communication) and on personal brands (in the marketing class), the material was shared between the two classes, and two final deliverables were prepared: (a) a written, editable report; and (b) a presentation that would be offered to the entire cohort of college athletes. Students from the marketing class wrote and presented the section on personal brands in the final deliverables.

A case study analysis of the project was done simultaneously with the class project. Instructors in both classes incorporated the PBL approach as the capstone assignments were given to students, progress reports were handed in, presentations were delivered, and students and athlete clients provided feedback at semester’s end. The project was bounded by the summer and fall semesters, and exploratory in nature because NIL rights are new for university athletes, and pedagogical research about the nascent regulations is almost nonexistent.

Case study methodology is a valuable research and exploration tool for real-world situations, because of its inherent ability to unpack the complexity of a single case (Hays & Singh, 2012; Stake 1995). The approach is particularly valuable within the scope of a bounded set of events (Patton, 2002). Following Priya’s (2021) guide to case study research design, the purpose of this exploratory case study was to explore ways in which students could grow their understanding of NIL and engage in action research through project-based learning.

Despite the burgeoning nature of NIL in the college space, limited guidance or “best practices” exists. Therefore, the researchers assume a subjective ontological perspective and believe multiple realities of the phenomenon of NIL exist within the context of intercollegiate athletics. Furthermore, from an epistemological perspective, the researchers believe it is important for knowledge to be co-constructed in the fledgling NIL marketplace, which lays the foundation for students to work directly with athletes to engage in PBL (Hays & Singh, 2012). By taking a social constructivism approach to this nascent NIL space, we believe that the multitude of contextual perspectives and environments in which NIL will be implemented (i.e., the vast differences between individual athletes, sports, and athletic departments) suggest there will be no universal approach or “one-size-fits-all” approach to NIL.

Criterion sampling was used to select athlete participants (they had to be active athletes for the university where the study was housed). A further convenience sample of students who were registered for the classes that created the
NIL Knowledge Hub (including several student athletes) were canvassed via end-of-semester surveys.

The impact of the study on participants was analyzed through open-response, end-of-semester surveys of both the students in the classes and athletes who would access the resources being produced during the assignment. Students were asked for their feedback about the assignment, to assess the final product produced, and to make suggestions for improvements for the assignment in future semesters. In addition, students who participated in the Knowledge Hub project were offered an opportunity to add their personal reflections to the final document presented and submitted to the athletic department. All of these written responses underwent a content analysis by the two class instructors, determining what themes emerged from the collective body of reflections.

Creswell (2018) maintains that there is an imperative for qualitative researchers to specify the steps used to “make sense” (p. 259) of the data gathered for a study, using sequential steps, from the specific to the general, involving multiple layers of analysis. Once the data from the questionnaires of athletes and student participants were assembled and organized, they were read through completely by both study researchers. The volume of survey data did not rise to the level of needing computer-assisted data reduction technological tools. Then, the researchers coded the case study findings into themes, describing each theme as it emerged from the data. Ultimately, this helped with interpreting the meaning of the themes, to help explain the value of the NIL Knowledge Hub as a useful HQPBL approach.

The goals of the contemporaneous case study were threefold:
• Assess the Name, Image, and Likeness Knowledge Hub (and companion Marketing Personal Brand project) as an engaged learning, project-based learning innovation, through instructor observation and participant feedback
• Determine the “value” of a student-led project such as this to a Division I athletic department, as a resource for its aspiring athlete entrepreneurs
• Find new points of entry for future classes to collaborate with university athletic departments, because NIL regulations will continue to evolve, rapidly.

Case Study Results

As a discrete entity, the Knowledge Hub had some limitations, which instructors observed almost immediately after the class projects were assigned. The university’s athletic department was a willing collaborator and significant resource, but the students in the two classes were almost all brand new to the NIL
process. Limited by their other course load and by the bounds of the semester, the
document produced was more of a “snapshot” of relevant NIL information as of
November 2022, rather than a living guide for the athletic department, as it was
originally envisioned.

Like with most student work, there were varying degrees of engagement
with the assignment, leaving a great deal of work for a small number of students
to complete in order to meet deadlines and produce the final Knowledge Hub
report. With only grade reductions as an external incentive, both instructors
found the process of completing the task on a short timeline to be a significant
challenge. The students who did provide feedback on both the personal brand
and NIL Knowledge Hub projects overwhelmingly endorsed the PBL approach.

In the student reflections section of the Knowledge Hub, one student wrote
that the project was “certainly the most intensive and collaborative school project
I have ever been a part of. Working with the entire class has been a huge learning
experience, but it is very satisfying to see the whole thing come together.” An-
other student added, “It has been thrilling to be a part of something with such a
large impact on the University and the Department of Athletics. It has also been
frustrating at times as there is little to no ‘easy to find’ information because NIL
is so new.” In reflecting on the personal brand project that comprised a subset of
the Knowledge Hub, one student wrote that she “liked finding out different ways
to promote and match the athlete to a brand. It was fun finding things out about
the athlete’s personality and using it to our advantage.”

A weakness of the NIL Knowledge Hub and its execution is an observed
lack of impact with the university athletic department. Despite the fact that 126
athletes had NIL sponsorships during the study interval of the NIL Knowledge
Hub, the presentation itself was sparsely attended by the athletes themselves. The
athletic department did not continue the project in the spring semester. However,
the athletes who participated in the Knowledge Hub process had a unique vantage
point about NIL following the semester and appreciated the opportunity to gain
insight. “Being a student-athlete … I benefited tremendously from this report,” a
member of the Lacrosse team wrote in the Knowledge Hub reflections. “Not only
was I researching for my fellow athletes, but also learned how to market myself.”
A male basketball player added that the newness of NIL itself made it interesting
from the vantage point of an athlete who could potentially take advantage of the
opportunities: “It has been irritating, often being led down an empty road doing
research, especially as a student athlete myself, because it shows me how unsure
everything is. Yes, you see these big deals being aired out every other week, but
people don’t understand everything that goes into that deal.”

The authors believe there is potential to further strengthen this alliance in
future iterations of NIL-themed projects. Some suggestions for accomplishing
this include creating a guiding document or Memorandum of Understanding that outlines the project goals with expectations for each side, building curricula with existing experts on the topic (which was done informally in this case) through guest lectures and workshops, and formalizing partnerships with current college athletes or teams to inject a potential payoff into the assignment (something that is done by the marketing class through their personal brand assignments).

With the understanding that the project deliverable fell short of its intended target, the authors believe there is real value in this project-based learning approach for students and for university athletic departments. The university in question is far from unique as a denizen of the so-called middle class of intercollegiate athletics. Its teams compete in a “Group of Five” conference, far from the “Power Five” schools where the bulk of financial resources for collegiate sports are concentrated (Broughton, 2020). It is worth considering whether portions of the NIL Knowledge Hub project and the report could be generalized to add to the body of knowledge about the new regulations among small- and mid-sized university athletic departments while providing PBL opportunities in marketing, communication, sales and sponsorship, law and governance, and finance or accounting classes.

**Discussion**

The relative scarcity (through 2023) of pedagogy-focused research aimed at demystifying the NIL process for college athletes is somewhat surprising. Because the rules governing monetization of athletes’ names, images, and likenesses are so new (and still evolving), instructors do not have the luxury of pedagogy focused on transfer from an established body of knowledge in the disciplines connected to NIL. Rather, they have an opportunity to create that knowledge collaboratively, empowering their students to work with athletes and athletic departments as a true resource.

The NIL Knowledge Hub was an attempt by two classes at a mid-Atlantic, Division I university to fill gaps in understanding the new college athlete’s rights, opportunities, rules, and obligations. The semester-long project collected and compiled information into a living document featuring information about legal contracts, media rights, personal brand, and best practices, presenting that report to an audience of athletes. As a piece of standalone research, the NIL Knowledge Hub was limited by the single-semester timeframe, a lack of understanding of NIL by student researchers at the beginning of the process, and the fact that “answers” about where to find information on these topics were not readily available because NIL is so new. However, those same barriers to success helped make the project a valuable exercise in engaged learning. Many of the educational activities collectively termed high-impact practices by the AAC&U were
encompassed by the Knowledge Hub assignment, including capstone projects, collaborative assignments, student research, writing-intensive assignments, and community-engaged learning (AAC&U, n.d.). Further, the pedagogical approach known as project-based learning, which also includes elements of the AAC&U’s high-impact practice, was reflected strongly in the approach to the Knowledge Hub (Megendoller, 2018). These connections include collaboration, project management, public project display, and reflection.

Also, the Alston v. NCAA ruling represented, for many observers of collegiate sport, a long-overdue rebalancing of the rights of athletes competing for their educational institution. But many have noted that the implementation of NIL rights has been uneven, if not downright chaotic. There is significant room for faculty partnerships with university athletic departments in a range of educational areas, including:

• Marketing classes—Establishing and strengthening athletes’ personal branding
• Communication classes—Mentoring students to strengthen their social media presence
• Sales, negotiation, and sponsorship classes—Researching, identifying, and proposing “fit” between athletes and brands; helping with the negotiation of fair contracts
• Law and governance classes—Providing resources for navigating the complex regulations related to NIL
• Finance classes—Offering assistance with budgeting and tax implications of NIL deals, since this might be many athletes’ first foray into entrepreneurship

The rules governing college athlete NIL rights have already undergone two major overhauls since the NCAA was mandated by the Supreme Court to grant those rights in 2021. Changes are likely to continue. Instructors in disciplines that touch the rights that college athletes now possess have ample opportunity to implement engaged learning methodologies in their course syllabi, provided they are prepared to overhaul those syllabi when the NIL rules change again.

**Limitations**

The generalizability of this paper is limited due to the nature of the single-site design at only one institution. Additionally, data were collected for only two courses during one semester in the very early days of the NIL era, which does not allow us to see the effects of subsequent changes to NIL rules or evolution of these projects in subsequent iterations of the courses. Our findings are also limited by the lack of continued engagement between the faculty and athletic
department. Also, it would be imprudent to interpret the findings of this study as reflective of the landscape of NIL in collegiate sports. As noted, that landscape has continually evolved since the Alston Supreme Court ruling set the stage for NIL monetization opportunities for collegiate athletes.

**Recommendations for Implementation**

Faculty interested in implementing a similar project at their own institution are encouraged to work with willing members of the athletic department staff to develop a clear scope of work, which will outline the issue, objectives, anticipated deliverables, learning outcomes, and responsibilities of each stakeholder group in an effort to promote project success. Success of such an initiative is largely dependent on the relationships faculty members have formed with the university athletic department, which at many institutions maintains quite a separate space from the academic side of the college or university. For the NIL Knowledge Hub, one of the study authors had a years-long relationship with the athletic department, connecting interns with athletic communication and marketing, engaging in prior research collaborations, and using athletic department units as previous classroom clients. While there is no set “playbook” for ethical, productive relationships between university athletic and academic departments, personal relationships can help a great deal in fostering the trust and spirit of collaboration that underpinned the NIL Knowledge Hub.

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