

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

2005-06

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on
Education
(SC-Ed)**

File Naming Example:

Record of Comm. Proceedings ... RCP

- > 05hr_AC-Ed_RCP_pt01a
- > 05hr_AC-Ed_RCP_pt01b
- > 05hr_AC-Ed_RCP_pt02

Published Documents

> Committee Hearings ... CH (Public Hearing Announcements)

> **

> Committee Reports ... CR

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> Executive Sessions ... ES

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> Record of Comm. Proceedings ... RCP

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*Information Collected For Or
Against Proposal*

> Appointments ... Appt

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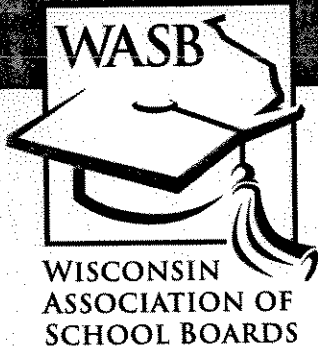
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> Hearing Records ... HR (bills and resolutions)

> **05hr_sb0280_SC-Ed_pt01**

> Miscellaneous ... Misc

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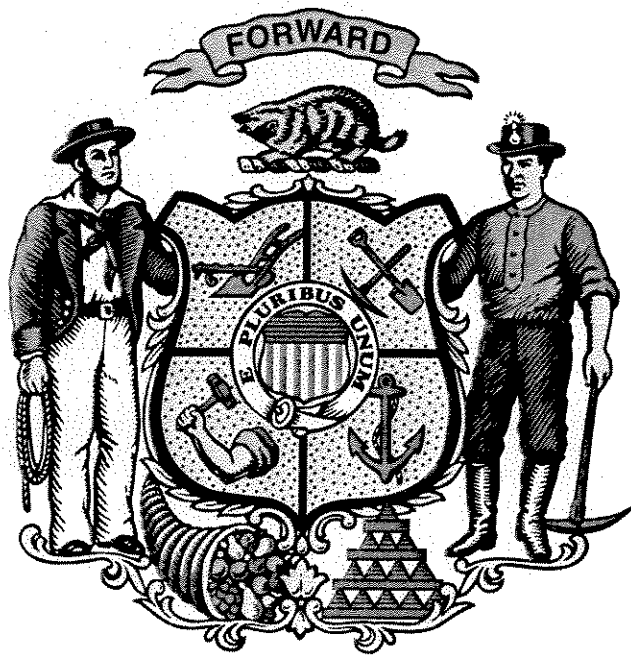
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JOHN ASHLEY, EXECUTIVE DIRECTOR

TO: Senate Education Committee
 FROM: Jeff Pertl, Legislative Services Coordinator
 DATE: October 18, 2005
 RE: Summary of positions

The Wisconsin Association of School Boards (WASB) strongly supports AB 84, SB 151, SB 327 and SB 384. The WASB will provide supplementary information on AB 84 and SB 280. Thank you for your consideration.

Bill	Description	Position
AB 84	Provides flexibility on the number of school days required each school term, while maintaining the current hours of instruction required. <i>(See specific position paper)</i>	Supports
SB 151	Permits an educational agency to refuse to employ or to terminate from employment an unpardoned felon.	Supports
SB 229	Allows school boards to grant high school physical education credit for extracurricular sports if the pupil earns an additional 1.5 credits in another academic subject.	Monitoring
SB 280	Prohibits pupils who take prohibited substances or engage in certain practices from participating in interscholastic athletics. <i>(See informational paper)</i>	Monitoring
SB 327	Requires districts to provide performance reports to parents only upon request and to post them on the district's Internet site if possible.	Supports
SB 361	Makes technical changes to state statutes relating to fingerprint cards for background checks and to reflect the name change of the Wisconsin Council of Religious and Independent Schools.	No position
SB-382	Requires districts to transport pupils, who live outside the school district due to a joint custody arrangement, to and from an agreed-upon location within the district.	Monitoring
SB-383	Makes technical modifications to the laws governing transportation of children with disabilities.	Monitoring
SB-384	Counts pupils who attend the Youth Challenge Academy for school district revenue limit purposes	Supports



Testimony of State Senator Julie Lassa
Senate Committee on Education
Tuesday, October 18, 2005

Senate Bill 280 – Banned Substances in School Athletics

Good morning Chairman Olsen and members of the committee. I am pleased to be here to speak on behalf of Senate Bill 280 which will help school districts keep up with the latest substances and methods being used by athletes to enhance their performance.

As you know, substance abuse in sports has received a lot of high profile media coverage during the past year. Doping scandals in Major League Baseball, professional cycling and other sports have underscored that this is an all-too-common problem. We all recognize professional athletes are role models for our children and unfortunately some are setting a dangerous example.

Athletes are increasingly using a variety of dangerous substances, such as anabolic steroids, to boost their speed and endurance. Some are now going as far as injecting blood to increase their red blood cell count or taking the hormone Erythropoietin (EPO) to boost red blood cell production in order to increase the amount of oxygen in their bodies. These thicken the blood and increase the risk of blood clots and heart attacks.

Today some student athletes are driven to use performance enhancing substances and dangerous methods like blood doping for many reasons including bad role models in professional sports who are doping, the pressure to succeed, and the desire to get a college scholarship.

The increasing abuse of performance enhancing substances in school sports is a well documented growing problem. The National Center for Disease Control recently released a report that said between the years of 1991 and 2003 steroid use DOUBLED among high school students. A Blue Cross Blue Shield study from October of 2003 said that 1.1 million children between the ages of 12 and 17 have taken potentially dangerous

performance enhancing substances. In the same Blue Cross Blue Shield survey, parents rated the use of harmful substances as their number one concern in youth sports.

Wisconsin needs to be clear that engaging in the use of harmful performance enhancing substances and methods for athletic gain is not acceptable.

In 2003 the Wisconsin School Boards Association passed a resolution at their annual conference asking the Wisconsin Interscholastic Athletic Association (WIAA) to self regulate by adopting the same performance enhancing drugs and methods as those prohibited by the World Anti-Doping Code. The WIAA council voted down that request and only prohibits alcohol, tobacco and "controlled substances". Unfortunately, the phrase "controlled substances" is not defined. As a result, many school boards across the state have recognized this problem and are setting more stringent standards for their athletes than the WIAA. This situation can be confusing however because there is no uniformity.

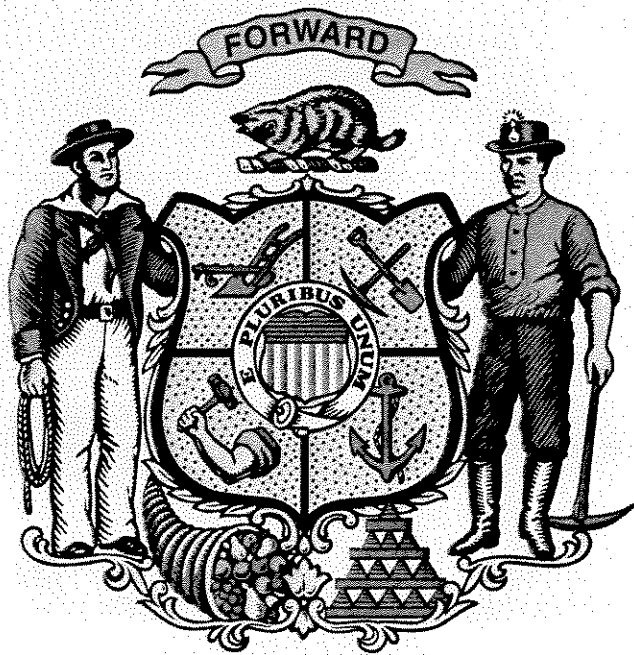
That is where Senate Bill 280 comes in. This bill solves the problem by requiring the Department of Public Instruction to develop and distribute to school boards a list of performance enhancing substances and methods that are harmful to athletes, including blood and gene doping methods. DPI can obtain a list and stay current by utilizing the international anti-doping standard, the World Anti-Doping Code. This list is free of charge and is available on the World Anti-Doping Agency's website (<http://www.wada-ama.org/en/>). From there school boards would be responsible for prohibiting the use of these substances and penalizing student athletes from participating in at least one game or match of each sport he or she is currently playing. The bill does not require testing but leaves that up to the individual school districts to decide.

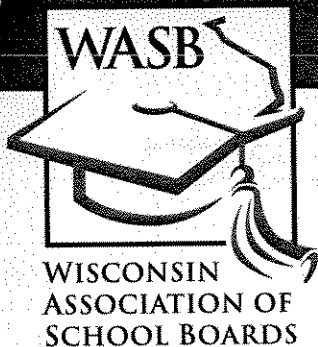
DPI's involvement will ensure that all athletes have the same participation guidelines and will remove the time and financial burden of local school boards in determining what substances and methods are not appropriate in athletics. This bill sets a better foundation

for school education, prevention and intervention programs, and it does not place any additional financial burden on school districts.

More than a dozen states have taken action to address the use of performance enhancing substances and methods in school sports. Michigan's Assembly unanimously passed legislation that is very similar to the provisions of SB 280. Governor Schwarzenegger just signed a bill into law on October 7 that, among other measures, adopts the World Anti-Doping Code as its athletic standard.

It is my hope that Wisconsin will join these other states in advancing the health and safety of our high school athletes.





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JOHN ASHLEY, EXECUTIVE DIRECTOR

TO: Senate Education Committee
FROM: Jeff Pertl, Legislative Services Coordinator
DATE: October 18, 2005
RE: Background Information on SB 280

The Wisconsin Association of School Boards (WASB) is providing information on SB 280. The WASB supports high standards for student conduct, particularly in athletics. High student expectations, positive adult role models and well-developed school board policies promote student achievement and responsible student behavior.

The WASB supports regulating prohibited substances and testing through WIAA rules, adopted with school district representation. The WASB has some concerns with transferring this responsibility to the Department of Public Instruction (DPI). In 2003, the WASB Delegate Assembly adopted the following resolution:

WASB Policy Book 5.211: Regulation of Performance Enhancing Drugs: The WASB encourages the WIAA to require the regulation of all performance enhancing drugs and methods as defined by the Olympic Movement Anti-Doping Code. *(Adopted 2003)*

Subsequent discussions with the WIAA identified several issues that need to be resolved. Most notably is that while the World Anti-Doping Code's list of prohibited substances is expansive and highly respected, enforcement relies on sophisticated and expensive testing technologies. This bill does not directly address testing, yet it is key consideration for school boards when evaluating policies on student discipline, alcohol and other drug use, and athletics.

Most school boards have adopted more stringent rules and penalties than the WIAA requires. Generally, students are suspended for 20-30% of the season for their first violation and declared ineligible on their second violation. Current WIAA rules require a minimum one-game suspension for violating the code of conduct. This is similar to the proposed statutory penalty under the bill. However, the bill suspends a student for one-game in every sport in which he or she participates. This would create a greater penalty for students who compete in multiple sports and conflict with most local school board's stricter policies. The WASB recommends the bill be aligned with the WIAA language.

Additionally, many school boards have expanded their code of conduct to include all extra-curricular activities. The student extra-curricular code of conduct easily can be adapted to competitive activities like debate, chess club and academic decathlon, but non-competitive activities like school newspapers, yearbooks and plays require differently tailored policies. These policies are best decided at the local level.

The WASB remains committed to working with the WIAA and all interested parties to protect student health and foster positive competition. Attached is background information on prohibited substances and testing at the international, collegiate and high school levels.

WASB BACKGROUND INFORMATION

PROHIBITED SUBSTANCES AND TESTING

INTERNATIONAL

United State Anti-Doping Agency (USADA)

Created in 2000, the USADA is a research, education, testing, and result management agency that regulates U.S. Olympic athletic competition. USADA is a member of the World Anti-Doping Agency (WADA), which was created by the International Olympic Committee (IOC) in 1999 to provide a uniform, international standard for prohibited substances and testing in athletics.

- **World Anti-Doping Code (WADC):** Also known as the World Code, this document defines the standards and criteria for prohibited substances, provides detailed regulations for testing, and governs the sanctions and appeals process.
- The World Code maintains the highest standards of medical and scientific research in revising its annual list of prohibited substances. The code carefully documents testing procedures and details athlete rights during the appeals process.
- The IOC and Public Authorities (i.e. governments) fund WADA. In 2005, WADA operations cost \$20.8 million: 60% research, 15% on testing, 15% on education, and 10% on administration.

NATIONAL

NCAA Substance Regulation Program

The NCAA's substance regulation program has two components: a list of banned drug classes and a mandatory drug-testing program. The drug-testing program details specific testing procedures and accountability measures for banned substances, but provides more latitude for alcohol, tobacco and other drugs. The program is less rigorous than the World Anti-Doping Code, but does prohibit blood doping.

- **Testing:** Urine analysis is the primary test. Beginning in the 2004-05 academic year, all Division I and II sports are tested year-round.
- **Penalties:** Violations results in a minimum loss of one season of competition.
- **Education:** The NCAA recommends athletes attend a drug and alcohol awareness program once a semester and provide a variety of educational resources. In 1999, the National Center for a Drug Free Sport and the Drug Resource Exchange Center were established to provide independent testing and educational programs.
- **Scope & Cost:** During the 2001-02 academic year, 9000 student athletes were tested at a cost of \$2.9 million.

HIGH SCHOOL

Wisconsin & National Background Information

Local school boards face numerous challenges in creating a good extra-curricular codes of conduct, including student legal rights, parental interests, student health, effective testing/implementation, educational efforts and manageable costs.

- In 2004-05, Wisconsin high schools enrolled 290,219 pupils according to DPI.
 - In 2004-05, the National Federation of State High School Associations (NFSH) ranked Wisconsin 12th nationally for student athletic participation. Wisconsin had 189,787 participants—this number counts students involved in multiple sports multiple times.
 - Indiana University's "2004 High School Survey of Student Engagement" found that 63% of high school students were involved in extra-curricular activities. The survey found 29% devoted seven hours a week or more to extra-curricular activities.
- Given that level of participation, an extensive and sophisticated drug-testing program presents several challenges, including funding, implementation and record retention. NFSH notes that

- given these challenges, many schools pursue an education-prevent strategy as a cost-effective way to deter substance abuse.
- According to the NFSH, in 2003 about 13% of high schools nationally had a drug testing policy in place.
 - 17% indicated that they were interested in pursuing a testing program. The most common reasons given for not starting a drug-testing program were budget constraints (54 %), lack of school board approval (51 %) and legal concerns (50 %).
 - In 1995, the U.S. Supreme Court ruled in *Veronica (Ore.) School District v. Acton* that public school officials may require student athletes to submit random urinalysis drug tests. The 7th District Circuit Court ruled in *Todd v. Rush County Schools* that drug testing can extend to all extra-curricular activities, not just athletics.
 - Under section 938.396(1m)(a) of the state statutes, districts may obtain law enforcement agency records relating to the use, possession or distribution of alcohol or a controlled substance by a student enrolled in the district. However, a school district may not use law enforcement agency information as the sole basis for student disciplinary action, suspension or expulsion. This includes disciplinary action under a school district's athletic code of conduct.

WIAA REGULATIONS

Because the WIAA is a private, non-profit membership organization, the legislature has limited power to regulate it. The membership consists of school district representative, usually athletic directors. The WIAA regulates all aspects of interscholastic athletic competition, but encourages school board to adopt stricter codes of conduct based on community values. Rules must be enforced 24 hours a day throughout the year.

WIAA Bylaw Article I – General

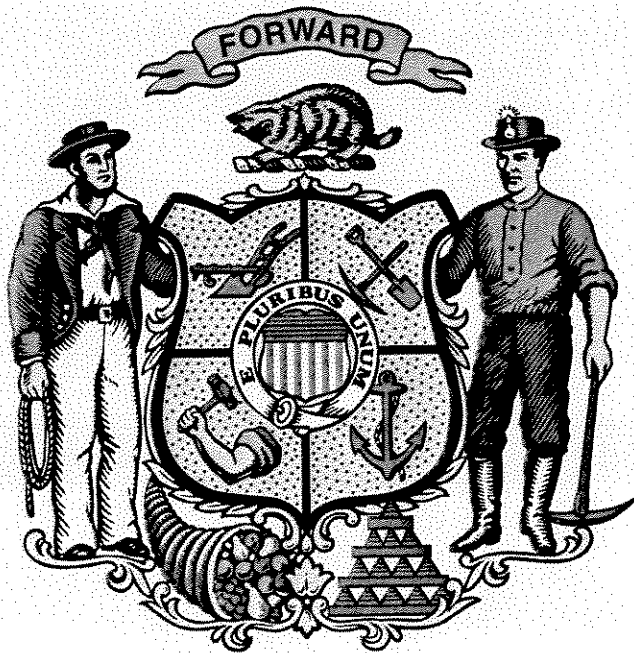
Section 2 – School's own Standards

- A. The rules of student eligibility shall not be interpreted to prevent any member school or any conference from establishing more stringent regulations, but no school or conference may set up standards for interscholastic competition for any of its official teams, varsity or otherwise, which are less stringent than the minimums herein presented.

Article VII – Health and Behavior

Section 2 – Code of Conduct

- A. A school shall have a code of conduct for its athletes, and it is strongly recommended that the code (a) designate the period of time involved in a suspension in advance of the school year and (b) be developed with the involvement of students, coaches, and administration and adopted by the Board of Education or recognized governing body.
- 1) A student is required to follow the school's code of conduct on a year-round (12 month) basis.
- a. In-season violations of the school code will result in immediate suspension of the student from interscholastic competition for no less than one day of competition (but not less than one complete game or meet) for acts (a) involving use of alcohol, (b) use, including chewing, of tobacco and/or (c) use, possession, buying, or selling of controlled substances.
 - b. The member school will determine minimum penalties for violation of any other provisions of its code of conduct, including all out-of-season offenses.
 - c. The member school will determine minimum penalties for any other unacceptable conduct contrary to the ideals, principles, and standards of the school and this Association, including but not limited to criminal behavior.
- Note: The school must provide an opportunity for the student to be heard prior to any penalty being enforced. If a student appeals a suspension, according to the school's appeal procedure, the student is ineligible during the appeal process.
- B. The minimum penalty for acts outlined in Section 2-A-1)-a-b-c above, which results in a student being suspended for one or more WIAA tournament competitions, is immediate disqualification of the student for the remainder of the total tournament series in that sport.
- C. A student who transfers from any school, whether or not a member school, with a status of ineligibility for disciplinary reasons retains such status at his/her new school for the same period as decreed by the former school.



SB 280 - Anti doping
School boards choose how to implement

an amendment was drafted
give them a list of drugs

Mike O'Meara - pres of Stevens Point School Board
people who use are athletes, body builders, women
who want to reduce body fat

20-30% usage

Basically, a personal story or why we need it

"Doping" harmful to students" - first draft referred to the
world anti doping list.

Does the bill ^{give} the board "legal" cover to test

Testing - how do we measure it?

Russ - Appeals process? Same as current

Jeff Pertl - worried about DPI's ability to do this
testing - useful ~~to~~ but expensive

Hanser - one school's just checking and others ^{not} - school boards
Need state standards