

Ms. Raquel Regalado, Board Member

**SUBJECT: RANDOM DRUG TESTING OF M-DCPS STUDENTS
PARTICIPATING IN EXTRACURRICULAR ACTIVITIES AT
THE HIGH SCHOOL LEVEL**

**COMMITTEE: INNOVATION, EFFICIENCY AND GOVERNMENTAL
RELATIONS**

**LINK TO STRATEGIC
FRAMEWORK: FINANCIAL EFFICIENCY/STABILITY**

A few weeks ago, Major League Baseball (MLB) suspended thirteen players for a minimum of 50 games – All-stars like Johnny Peralta, Everth Cabrera, Nelson Cruz, Ryan Braun and local icon Alex Rodriguez. The suspensions came after an internal investigation by the MLB of Biogenesis of America, a clinic in Coral Gables, Florida. The clinic has been linked to a drug investigation involving several professional athletes who, the whistleblower in the case, Porter Fischer, claims were provided with performance-enhancing drugs or PEDs.

Last week, Fischer testified before a grand jury in Miami-Dade County and turned over hundreds of client files. In the days leading up to the court appearance, Fischer participated in several interviews wherein he described the interworking of Biogenesis and stated that among the clinic's clients were over a dozen high school athletes. Meanwhile, ESPN reported that documents acquired by the sports network's "Outside the Lines" confirmed that 10 Miami area high school baseball players were clients of Biogenesis. Finally, during an interview with "Outside the Lines" Fischer stated that he regularly saw teen boys going into the clinic, often accompanied by their fathers. He added that the teens would be given Sports Performance Packages that included HGH testosterone.

The Florida High School Athletic Association (FHSAA) responded to the Biogenesis scandal by stating that it wants to encourage school districts to crack down on such abuses by testing high school athletes for performance enhancing drugs. Specifically, the athletic association's executive director, Roger Dearing, stated in a conference call with the press that "[w]e must draw a line in the sand against performance-enhancing drugs School districts simply cannot tolerate coaches who encourage or look the other way when they know student-athletes are using performance-enhancing drugs." Dearing added that "[t]here's no way we can test every child, but we can ask school districts if they can test kids who are under suspicion of using PEDs." The conference call concluded with Dearing stating that "[t]he Florida High School Athletic Association's overriding priority is the safety, well-being and constructive development of young student-athletes, whose bodies and character are still forming Performance-enhancing drugs undermine every aspect of this goal, and so it is imperative that our

student-athletes adhere to a zero-tolerance policy toward these inherently unfair and dangerous substances.”

Miami-Dade County Public Schools (M-DCPS) has not had a mandatory drug testing program since 1981. However, in 1995, the United States Supreme Court ruled that athletes attending public school could be tested even if they were not suspected of drug use. However, the court was silent as to the extension to all students attending public schools. As a result drug testing programs throughout the country have focused on students who participate in afterschool activities and/or are suspected of drug use.

In 1997, M-DCPS made national news when it approved a drug testing item (not policy) for students whose parents' consented to drug testing. The program made M-DCPS the nation's largest school district to approve drug tests for high school students but was indefinitely suspended after a year for lack of interest from parents. During the 2007-08 school year, the FHSAA Steroid Testing Program was implemented as a pilot in approximately 53 schools out of 657 eligible schools. The pilot tested students in grades 9 through 12 who participate in regular and postseason competitions in selected sports that were governed by the organization for the use of anabolic steroids as defined in s. 893.03(3)(d). The pilot included public and private schools and selected 600 student athletes. The district high schools that participated were American, Miami Palmetto, John A. Ferguson and Southwest Miami.

Of the 600 student-athletes testing for steroids, one student tested positive. The non-M-DCPS student tested positive for two steroids found on the banned substance list. The student's approximate concentration of 19-norandrosterone was about 1879 times the NCAA cutoff of 2 nanograms per milliliter of urine for males and 19-noretiocholanolone. The pilot is noteworthy because the FHSAA used the \$99,750 of the \$100,000 allocated by the Legislature for testing the student-athletes at a rate of \$166.25 per test, per student. It should be noted that all administrative costs associated with the testing program were funded by the FHSAA and that there were no legal fees as a result of the program as there were no legal challenges to the tests' results. The FHSAA also paid for the mandatory exit test required of the student who tested positive.

As we await the release of information pertaining to high school athletes by the grand jury that is investigating Biogenesis, this item requests that the administration provide the School Board of Miami-Dade County with the feasibility of, and information regarding the cost of, implementing a policy authorizing the random drug testing of M-DCPS students who participate in extracurricular activities at all M-DCPS high schools should funds be available. Finally, the maker of the item is committed to raising the private funds necessary for the testing provided that the District through its police department ensures that all coaches and teachers involved in extracurricular activities at the high school level make a presentation to students about the dangers of drug use.

ACTION PROPOSED BY

MS. RAQUEL REGALADO:

That The School Board of Miami-Dade County, Florida, request that the Superintendent provide the feasibility of, and information regarding the cost of, the random drug testing of M-DCPS students participating in extracurricular activities at the high school level.