

Regulation JICHA-R(1): Drug Testing for Students Involved in Extracurricular Activities - Regulation

Status: DRAFT - First Reading

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Practical experience and research have proven that even small quantities of narcotics, abused prescription drugs, or alcohol can affect judgment and reflexes which can create unsafe conditions for students, especially those involved in sports or any activity covered in this policy. Even when not readily apparent, the effect can have serious results for students engaged in activities. Drug-using students participating in extracurricular activities are a threat to co-participants, other students, and themselves, and may make injurious errors. For these reasons, the Board has adopted a policy that all students participating in extracurricular activities must remain substance-free.

DEFINITIONS

Activity Programs: Any activity that meets the guidelines of the Wyoming High School Activities Association (WHSAA) and the Fremont County School District #1 sanctioned activities as listed below:

Grades 7-8

Athletics

Basketball, Cross Country, Football, Golf, Nordic Ski, Soccer, Swimming and Diving, Track and Field, Volleyball, Wrestling

Activities

Student Council

Grades 9-12

Athletics

Basketball, Cross Country, Football, Golf, Nordic Ski, Swimming and Diving, Track and Field (indoor and outdoor), Soccer, Softball, Volleyball, Wrestling

WHSAA Sanctioned Activities

Cheerleading, District Music, All-State Music, Marching Band, Speech and Debate, Student Council, State Drama, FBLA, FFA, State Art Symposium, SkillsUSA, Dance Team

Drug: Any substance considered illegal by Wyoming Statutes or which is controlled by the Food and Drug Administration unless prescribed to the student by any licensed medical practitioner authorized to prescribe controlled substances. For purposes of this policy, drugs shall include the illegal use of alcohol.

Drug Program Administrator (DPA): A nationally-certified Drug Program Administrator, which shall use a certified laboratory in testing of samples; the Board will choose a nationally-certified Drug Program Administrator (DPA) for the purpose of determining through random selection the student(s)/ participant(s) to be tested.

This will be accomplished by the use of a "Student List" identifying the student by number only. The DPA, by use of a certified laboratory, shall also process sample results and maintain privacy with respect to test results and related matters.

Drug Program Coordinator (DPC): The Drug Program Coordinator shall be the School Principal or the designee.

Medical Review Officer (MRO): Fremont County School District #1 will utilize an MRO to review all laboratory-reported positive tests. The role of the MRO is critical to protecting the interest of the students.

The MRO serves a critical role in determining whether the use of a substance identified by the sample analysis is from illicit use or a legitimate medical use. The MRO will demonstrate his/her knowledge by being certified by an MRO Accreditation body. The parent or the guardian will be contacted by the MRO or his/her assistant. The MRO

will report results of verified positives and/or warrant health and safety issues to the student and to the designated school representative through the DPA.

Participant: Any student who participates in any extracurricular activity as herein before set forth shall be a participant and his/her name shall be included in the participant pool. A participant shall enter the participant pool upon signing the attached consent form (JICHA-E1) and returning said signed consent form to the School Principal.

A participant shall remain in the selection pool for an entire school year from the date the consent form is returned to the School Principal. A participant may be subject to testing at any time during that period.

A student will be removed from the testing pool if he/she has quit or been cut from all extracurricular activities. Quitting the activities must occur prior to being selected for testing to be removed from the testing pool of students.

Sample Collection: Samples will be collected as directed by the DPA Activities Director on the same day the student is selected for testing. If the student is absent an alternate will be selected, in sequential order, from an alternate list provided by the DPA Activities Director. If a urine sample is required, all students providing samples will do so alone in an individual bathroom or stall with the door closed. A Fremont #1 staff member of the participant's same gender will be present while testing in a locker room or restroom.

School Year: From the first day classes commence in the fall, unless the activity begins prior to the first day of classes, in which event it shall include from the first day of practice; through and including the last day of classes in the following spring.

Scope of Tests: The drug screen tests for one or more illegal drugs and/or alcohol. The DPA Activities Director shall determine which illegal drugs shall be screened, but in no event shall that determination be made after selection of students for testing. Student samples will not be screened for the presence of any substances other than an illegal drug or for the existence of any physical condition other than drug use.

DRUG SCREENING PROCEDURES

The Board authorizes random, unannounced testing of all any students participating in activity programs. The list of students participating in activities contained in the random pool will be updated upon receipt of a signed consent form (JICHA-E1). Students participating in activities who have been selected will be required to report to the designated collection site for testing.

1. All Students Participating in Activities

A. Random Testing During the Activity's Season

During the activity's season, 25% up to 10% of the participants in the activity will be randomly tested. The timing and frequency will be determined by the DPA Activities Director but should occur throughout the activity's season.

B. Random Testing Outside the Activity's Season

Every month, up to 10% of the students who participate in an activity that is not currently in season will be tested.

C. Non-Removal of Participants After Testing

A student who is selected for testing, whether skipped due to absence, test positive, or test negative, shall remain in the pool for future random selection.

D. Consent

Each student wishing to participate in any extracurricular activity and the student's custodial parent or legal guardian shall consent in writing to drug testing pursuant to this policy and regulation. Written consent shall be in the form attached to this policy as JICHA-E1. No student shall be allowed to practice or participate in any extracurricular activity absent such consent.

E. Removal from the Random Testing List

A student will be removed from the testing pool if he/she has quit or been cut from all extracurricular activities. Quitting the activities must occur prior to being selected for testing to be removed from the testing pool of students.

F. Parental Opt-In for Random Testing

The parent or legal guardian of a student who does not participate in the district's activity programs may request that their child be included in the random testing process described above. If the student is selected randomly for testing, the cost of testing will be borne by Fremont County School District #1.

2. Testing Procedures

A. General Guidelines The Board and the DPA shall rely, when practical, on the guidance of the Federal Department of Transportation, Procedures for Transportation Workplace Drug Testing Programs, 49 C.F.R. Parts 40.1 through 40.39, and on the further guidance of the Omnibus Transportation Employee Testing Act provided in 49 C.F.R. Parts 382, 391, 392 and 395.

B. Substances

Substances that students participating in extracurricular activities may be randomly tested for include, but are not limited to: alcohol, amphetamines, cannabinoids, cocaine, opiates, inhalants, synthetic opiates and PCP, and other substances, such as but not limited to steroids, barbiturates, and benzodiazepines without advance notice as part of tests authorized by the Board for safety purposes. Such tests will be coordinated with the DPC Activities Director.

C. Methodology

The Board reserves the right to utilize breath, saliva, hair, or urinalysis testing procedures. Urine and oral fluid samples which screen positive will be confirmed by the MRO a second test. Positive saliva or breath alcohol tests will be confirmed by EBT (Evidential Breath Tester).

3. Collection Sites

The DPC Activities Director will designate a collection site(s) at each school where individuals may provide specimens.

4. Collection Procedures

- A. Collection cups will be numbered to match the corresponding table of test cups.
- B. Each participant will sign for his/her cup, ensuring they have the correct numbered cup.
- C. Staff will ask each student to verify that the urine in the cup is theirs and that they have the correct numbered cup.
- D. Staff will verify that sample temperature is within the appropriate range.
- E. Student will seal the cup and set it on the designated table or desk for reading.
- F. Staff will read the test results within 4-5 minutes.
- G. If a cup shows a positive result, the sample will be poured into a second cup to verify the positive result.
- H. If the second cup confirms a positive result, the participant will be subject to Code of Conduct consequences.
- I. A positive alcohol test will be confirmed with an EBT device.
- J. Positive samples will be sealed and kept for 24 hours.

The Board and the DPA have developed and will maintain a documented procedure for collecting, shipping and accessing all specimens. The Board and the DPA will utilize a standard Custody and Control Form for all testing under this regulation. A tamper-proof sealing system, identifying numbers, labels, and sealed shipping containers will be used for specimen transportation. Collection sites will maintain instructions and training emphasizing the responsibility of the collection site personnel to protect the integrity of the specimen and maintain a proper collection procedure that is reasonable. All alcohol testing will be performed by a certified Breath Alcohol Technician (BAT). Where the Board has an employee collect the specimen, the Board will provide instruction and training to that employee.

5. Return of Results

The DPA Staff will transmit by a secure method the results of all tests to the DPA's MRO Activities Director. The MRO Activities Director will be responsible for reviewing test results of students. Prior to making a final decision, the MRO Activities Director shall give the individual an opportunity to discuss the result either face-to-face or over the telephone. The DPA Activities Director shall then promptly inform the DPC Superintendent and principal(s) of the school(s) in which student(s) tested positive.

6. Request for Retest

A split specimen will be collected for all testing methods, with the exception of alcohol testing. Students who test positive will have 24 hours to let the Activities Director know that they wish to challenge the test results. Students involved in the program may, upon a non-negative positive test result, request to provide a second sample that the split sample be tested (within 72 hours of being notified of the final testing result) at a second nationally certified laboratory from a list provided by the MRO. The retest request for the test must be submitted in writing to the MRO Activities Director. If a result is challenged, the sample will be sent to the testing kit manufacturer's lab for confirmation services.

7. Positive Results

Whenever a student's test results indicate the presence of an illegal drug (positive test), the custodial parent or legal guardian will be notified, and a meeting will be held with the school principal, DPC Activities Director, student, and parent or legal guardian. The parent/guardian will be asked to provide information about any prescription medications that may have resulted in a positive test. If the positive test is due to any illegal drug that is not currently prescribed by a physician, the district's Code of Conduct will be enforced.

REFUSAL TO SUBMIT TO DRUG USE TEST

A participating student who refuses to submit to a drug test authorized under this policy and regulation, or fails or refuses to comply with any other provision of this policy and regulation, shall be ineligible to participate in any activity covered under this policy including all meetings, practices, performances and competitions for a period of twelve months.

APPEAL

A student participating in extracurricular activities who has been determined by the principal or DPC Activities Director to be in violation of this policy shall have the right to appeal the decision to the Superintendent or his/her designee(s). Such request for a review must be submitted to the Superintendent in writing within five calendar days of receiving a positive test result. A student requesting a review will be ineligible to participate in any extracurricular activities until the review is complete. The Superintendent or his/her designee(s) shall then determine whether the original finding was justified. No further review of the Superintendent's decision will be provided, and his/her decision shall be conclusive in all respects. Any necessary interpretation or application of this policy shall be in the sole and exclusive judgment and discretion of the Superintendent which shall be final and non-appealable ineligible for appeal.

RECORD KEEPING AND CONFIDENTIALITY

All records pertaining to participants shall be kept separate from student records. The record keeping and results of all testing will be held in the strictest confidence. These records will be accessible only to the DPC, Activities Director, and the Superintendent or his/her designee. Records pertaining to a particular student will be destroyed within one year of the student's class graduation.

SEVERABILITY

Should any sentence, clause, provision, or paragraph of this entire regulation be deemed unlawful or unconstitutional, it is intended that, insofar as may be practicable, the remaining portions of this policy shall remain in full force and effect.