

## **ADMINISTRATION OF MEDICAL MARIJUANA TO QUALIFIED STUDENTS**

The District strives to honor families' private medical decisions while ensuring a learning environment free of disruption. To accomplish these goals, the district restricts the administration of medications, including medical marijuana, during school hours unless administration cannot reasonably be accomplished outside of school hours.

Administration of medical marijuana to qualified students must be in accordance with this policy. Administration of all other prescription and nonprescription medications to students must be in accordance with applicable law and the District's Policy S-46: Administering Medications to Students concerning the administration of medications to students.

### **Definitions**

For purposes of this policy, the following definitions apply:

1. "Designated location" means a location identified in writing by the school district in its sole discretion and may include a location on the grounds of the school in which the student is enrolled, upon a school bus in Colorado, or a school-sponsored event in Colorado.
2. "Medical marijuana: means a cannabis product with a delta-9 tetrahydrocannabinol (THC) concentration greater than 0.3 percent.
3. "Permissible form of medical marijuana" means non-smokeable products such as oils, tinctures, edible products or lotions that can be administered and fully ingested or absorbed in a short period of time. Patches and other forms of administration that continue to deliver medical marijuana to a qualified student while at school may be appropriate for students who receive ongoing adult assistance or on a case-by-case basis as determined by the district when adequate protections against misuse may be made. Forms of medical marijuana not included in this definition may be proposed by the qualified student's primary caregiver to the superintendent, who may authorize such a request after consultation with appropriate medical personnel chosen by the district.
4. "Primary caregiver" means the qualified student's parent, guardian or other responsible adult over eighteen years of age who is identified by the student's parent/guardian as the qualified student's primary caregiver. In no event may another student or staff member be recognized as a primary caregiver, unless the staff member is the student's parent/guardian. Any primary caregiver seeking access to school or district property, a school bus or school-sponsored event for purposes of this policy must comply with the District's policy and/or procedures concerning visitors to schools and all other applicable policies.
5. "Qualified student" means a student who holds a valid recommendation for medical marijuana from a licensed physician and is registered with the Colorado Department of

Public Health and Environment for the use of medical marijuana and for whom the administration of medical marijuana cannot reasonably be accomplished outside of school hours.

**Permissible administration of medical marijuana to a qualified student by a primary caregiver**

A qualified student's primary caregiver may administer a permissible form of medical marijuana to a qualified student in a designated location if all of the following parameters are met:

1. The qualified students' parent/guardian has provided the school with a copy of the student's valid recommendation for medical marijuana from a licensed physician and valid registration from the state of Colorado authorizing the student to receive medical marijuana;
2. The qualified student's parent/guardian signs a written acknowledgement assuming all responsibility for the provision, administration, maintenance and use of medical marijuana under state law, and releases the district from liability for any injury that occurs pursuant to this policy;
3. The qualified student's parent/guardian or primary caregiver is responsible for providing the permissible form of medical marijuana to be administered to the qualified student;
4. The district determines, in its sole discretion, that a location and a method of administration of a permissible form of medical marijuana are available that do not create risk of disruption to the educational environment or exposure to other students;
5. Either the district determines, in its sole discretion, the location of a locked storage container to store the qualified student's medical marijuana that does not significantly delay access to or the administration of the medical marijuana in a medical emergency, or after administering the permissible form of medical marijuana to the qualified student, the student's primary caregiver will remove any remaining medical marijuana from the grounds of the school, district, school bus or school-sponsored event; and
6. The district prepares, with the input of the qualified student's parent/guardian, a written plan that identifies the form, designated location(s), instructions or treatment plan for administration from one of the student's recommending physicians, and any additional protocol regarding administration of a permissible form of medical marijuana to the qualified student. The written plan must be signed by the school administrator, the qualified student (if capable) and the qualified student's parent/guardian.

**Permissible administration of medical marijuana to a qualified student by school personnel**

School personnel may volunteer to store, administer, or assist in the administration of medical marijuana to a qualified student in a designated location if the following parameters are met:

1. The qualified student's parent/guardian has provided the school with a copy of the student's valid recommendation for medical marijuana from a licensed physician and valid registration from the state of Colorado authorizing the student to receive medical marijuana;

2. The qualified student's parent/guardian signs a written acknowledgement granting permission for the school personnel who volunteer to store, administer, or assist in the administration of medical marijuana under state law, and releases the district from liability for any injury that occurs pursuant to this policy;
3. The qualified student's parent/guardian or primary caregiver is responsible for providing the permissible form of medical marijuana to be administered to the qualified student;
4. The district determines, in its sole discretion, that a location and a method of administration of a permissible form of medical marijuana are available that do not create risk of disruption to the educational environment or exposure to other students;
5. The district determines, in its sole discretion, the location of a locked storage container to store the qualified student's medical marijuana that does not significantly delay access to or the administration of the medical marijuana in a medical emergency; and
6. The district prepares, with the input of the qualified students' parent/guardian, a written plan that identifies the form, designated location(s), instructions or treatment plan for administration from one of the students' recommending physicians, and any additional protocol regarding administration of a permissible form of medical marijuana to the qualified student. The written plan must be signed by the school administrator, the school personnel who volunteer to store, administer, or assist in the administration of the medical marijuana, the qualified student (if capable), and the qualified student's parent/guardian.
7. Nothing in this policy requires school personnel to volunteer to possess, administer, or assist in the administration of medical marijuana in a non smokeable form to any student with a valid recommendation for medical marijuana. A school may not require school personnel to possess, administer, or assist in the administration of medical marijuana in a non smokeable form against their will, nor may a school discipline school personnel for refusing to possess, administer, or assist in the administration of medical marijuana under this policy.
8. Pursuant to C.R.S. 22-1-119.3(3)(a)(111), a public school must treat a recommendation for a non-smokeable form of medical marijuana from a licensed physician as medication that is prescribed by a licensed health care practitioner. Upon request and completion of a written plan using Administrative Policies S-46-E-1 or S-46-E-2, the school will designate a place to store medical marijuana on school grounds.

### **Additional parameters**

This policy conveys no right to any student or to the student's parents/guardians or other primary caregiver to demand access to any general or particular location on school or district property, a school bus or at a school-sponsored event to administer medical marijuana.

This policy does not apply to school grounds, school buses or school-sponsored events located on federal property or any other location that prohibits marijuana on its property.

Permission to administer medical marijuana to a qualified student may be limited or revoked if the qualified student and/or the student's primary caregiver violates this policy or demonstrates an inability to responsibly follow this policy's parameters.

Student possession, use, distribution, sale or being under the influence of marijuana inconsistent with this policy may be considered a violation of District policy concerning drug and alcohol involvement by students or other District policy and may subject the student to disciplinary consequences, including suspension and/or expulsion, in accordance with applicable District policy.

Medical marijuana in non-smokeable form shall not be administered at a school pursuant to this policy, if the school loses, or in the district's reasonable judgement determines that a school for the district will lose federal funding as a result of implementing this policy and the district can demonstrate a reasonable documented expectation of lost federal funding based on federal guidance or grant requirements directly as a result of implementing this policy. In that case, the Superintendent may immediately suspend the policy upon written notice to the Board and shall post notice in a conspicuous place on the district's website that the policy has been suspended and the administration of medical marijuana has been prohibited.

Adopted: September 12, 2016

Revised: November 9, 2021

#### LEGAL REFS:

Colo. Const. Art. XVIII, Section 14 (establishing qualifications for use of medical marijuana)

C.R.S. 22-1-119.3(3)(a)(Board must adopt and implement a policy including processes for the storage, possession, and administration of medical marijuana)

C.R.S. 22-1-119.3(3)(c),(d) (no student possession or self-administration of medical marijuana, but school districts must permit the student's primary caregiver to administer medical marijuana to the student on school grounds, on a school bus or at a school-sponsored event)

C.R.S. 22-1-119.3(3)(d)(I)(school personnel may volunteer to possess, administer, or assist in the administration of medical marijuana)

C.R.S. 22-1-119.3(3)(d)(III) (board may adopt policies regarding who may act as a primary caregiver and to establish reasonable parameters on the administration and use of medical marijuana on school grounds, on a school bus or at a school-sponsored event)

CROSS REFS: S-29: Drug, Alcohol and Controlled Substance Offenses by Students

S-46: Administering Medications to Students

S-46-R: Regulation of Administering Medications to Students

S-46-E-1: Administration of Medical Marijuana to Qualified Students by Primary

Caregiver (Written Plan)

S-46-E-2: Administration of Medical Marijuana to Qualified Students by Volunteer

Personnel (Written Plan)

F-23: Public Conduct on District Property