

A separate policy addressing medical marijuana use, applicable to students and staff, to consider.

Students

Medical (Palliative) Use of Marijuana

This policy sets forth the prohibited use of medical marijuana (palliative use) in the District's schools and on its property.

Definitions

“Palliative use” means the acquisition, distribution, transfer, possession or transportation of marijuana or paraphernalia relating to marijuana, including the transfer of marijuana and paraphernalia relating to marijuana from the patient's primary caregiver to the qualifying patient, to alleviate a qualifying patient's symptoms of a debilitating medical condition or the effects of such symptoms, but does not include any such use of marijuana by any person other than the qualifying patient.

“Qualifying patient” means a person who is a resident of Connecticut, has been diagnosed by a physician as having a debilitating medical condition, and is eighteen years of age or older, is an emancipated minor, or has written consent from a custodial parent/guardian or other person having legal custody of such person that indicates that such person has permission from such parent, guardian or other person for the palliative use of marijuana for a debilitating medical condition and that such parent, guardian or other person will serve as a primary caregiver for the qualifying patient and control the acquisition and possession of marijuana and any related paraphernalia for palliative use on behalf of such person.

“Primary caregiver” means a person, other than the qualifying patient and the qualifying patient's physician, who is eighteen years of age or older and has agreed to undertake the responsibility for managing the well-being of the qualifying patient with respect to the palliative use of marijuana, provided in the case of a qualifying patient under eighteen years of age and not an emancipated minor or otherwise lacking legal capacity, such person shall be a parent, guardian or person having legal custody of such qualifying patient and in the case of a qualifying patient eighteen years of age or older or an emancipated minor, the need for such person shall be evaluated by the qualifying patient's physician and such need shall be documented in the written certification, issued by a physician (does not include a physician assistant).

“Debilitating medical condition” means cancer, glaucoma, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, Parkinson's Disease, multiple sclerosis, damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity, epilepsy, or uncontrolled intractable seizure disorder, cachexia, wasting syndrome, Crohn's disease, post-traumatic stress disorder, irreversible spinal cord injury with objective neurological indication of intractable spasticity, cerebral palsy, cystic fibrosis or terminal illness requiring end-of-life care, except, if the qualifying patient is under eighteen years of age. “debilitating medical condition” means terminal illness requiring end-of-life care, irreversible spinal cord injury with objective neurological indication of intractable spasticity, cerebral palsy, cystic fibrosis, severe epilepsy or uncontrollable seizure disorder.

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Definitions (continued)

“Research program” means a study approved by the Department of Consumer Protection (DCP) and undertaken to increase information or knowledge regarding the growth, processing, medical attributes, dosage forms, administration or use of marijuana to treat or alleviate symptoms of any medical conditions or the effects of such symptoms.

Although possession and use of marijuana for certain medical conditions is permitted in Connecticut, the Board of Education (Board) recognizes that the possession and use of marijuana remains illegal under federal law. Consistent with federal law, including the Controlled Substances Act and the Drug Free Schools and Communities Act, the use and/or possession of marijuana continues to be prohibited while a student or employee is on campus, riding a school bus or at school-sponsored activities.

To qualify for medical marijuana use, an unemancipated minor must have written consent from a custodial parent/guardian or other person with legal custody, indicating that the person has given permission for the minor to use marijuana for a debilitating condition, as defined. The written consent must state that the person will serve as the minor’s primary caregiver and control the acquisition and possession of marijuana and any related paraphernalia on the minor’s behalf.

The unemancipated minor via the person with legal custody, must provide DCP with a letter from the minor’s primary care provider in addition to another letter from a physician certified in an area involved in the treatment of the minor’s debilitating condition. Such written certification shall not be for marijuana in a dosage form that requires that the marijuana be smoked, inhaled, or vaporized.

The protections provided to patients, both adult and minors, utilizing medical marijuana is prescribed in state statute, do not apply if the patient ingests marijuana in certain settings such as at work, at school, or in public.

It is the Board’s intent, via this policy to maintain compliance with state and federal laws with regard to the prohibited use of marijuana in the schools, on school property and at school-related activities. This policy is also intended to maintain compliance with the afore-mentioned federal legislation. The Board directs the Superintendent and staff to continue to enforce its current policies regarding controlled substances. Any student or employee who violate District policies prohibiting the manufacture, distribution, dispensation, possession or use of illegal drugs in District schools, on District property or as part of any District activities will be subject to disciplinary and criminal action, up to and including suspension, expulsion or termination of employment.

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No District school may refuse to enroll any person or discriminate against any student solely on the basis of such person's or student's status as a qualifying patient or primary caregiver, per sections 1 to 15, inclusive, of P.A. 12-55, as amended by P.A. 16-23.

The District shall not refuse to hire a person nor discharge, penalize, or threaten an employee solely on the basis of such person's or employee's status as a qualifying patient or primary caregiver, as described in P.A. 12-55, as amended. However, the Board retains its ability to prohibit the use of intoxicating substances during work hours and its ability to discipline an employee or student for being under the influence of intoxicating substances during work hours, while on school property or at a school-sponsored activity.

Notes:

- 1. The use of marijuana, including for palliative (medical) uses in schools, on school grounds and at school activities violates drug abuse laws, is educationally disruptive and violates the spirit of the drug, alcohol and tobacco free campus.*
- 2. The District needs to notify applicants/staff of the medical marijuana policy and what constitutes disciplinary action. If the staff member is involved in a safety-related position, the policy must be very strict.*
- 3. The District should place its focus on impairment and performance issues, due to the fact that the statute specifically prohibits the use of medical marijuana in the schools and school buses.*
- 4. The District has the right and responsibility to maintain a drug-free workplace, protecting the safety of all employees and students.*
- 5. The law provides no protection for the use of medical marijuana on the job or in the school setting.*

(cf. 4118.231/4218.231 – Alcohol, Drugs and Tobacco)

(cf. 4118.232/4218.232 – Drug-Free Workplace)

(cf. 4118.235/4218.235 – Medical Marijuana Standards)

(cf. 5114 – Suspension/Expulsion)

(cf. 5131 – Conduct)

(cf. 5131.61 – Inhalant Abuse)

(cf. 5131.62 – Steroid Use)

(cf. 5131.612 – Surrender of Physical Evidence Obtained from Students)

(cf. 5131.8 – Out of School Grounds Misconduct)

(cf. 5131.92 – Corporal Punishment)

(cf. 5144 – Discipline/Punishment)

(cf. 5145.12 – Search and Seizure)

(cf. 5145.121 – Vehicle Searches on School Grounds)

(cf. 5145.122 – Use of Dogs to Search School Property)

(cf. 5145.124 – Breathalyzer Testing)

(cf. 5145.125 – Drug Testing-Extracurricular Activities)

(cf. 6164.11 – Drugs, Alcohol, Tobacco)

Students

Medical (Palliative) Use of Marijuana (continued)

Legal Reference: Connecticut General Statutes
1-21b Smoking prohibited in certain places.
10-19 Teaching about alcohol, nicotine or tobacco, drugs and acquired immune deficiency syndrome. Training of personnel.
10-154a Professional communications between teacher or nurse and student. Surrender or physical evidence obtained from students.
10-220b Policy statement on drugs.
10-221(d) Boards of education to prescribe rules, policies and procedures re sale or possession of alcohol or controlled drugs.
21a-240 Definitions dependency producing drugs.
21a -240(8) Definitions “Controlled Drugs,” dependency producing drugs.
21a-240(9) Definitions “controlled substance.”
21a-243 Regulation re schedules of controlled substances.
21a-408 Palliative Use of Marijuana (as amended by P.A. 16-23)
53-198 Smoking in motor buses, railroad cars and school buses.
P.A. 11-73 An Act Regulating the Sale and Possession of Synthetic Marijuana and Salvia Divinorum.
P.A. 12-55 An Act Concerning the Palliative Use of Marijuana.
P.A. 16-23 An Act Concerning the Palliative Use of Marijuana.
Federal Regulation 34 CFR Part 85 Drug-free Schools & Communities Act.
20 U.S.C. Section 7181 et. seq., No Child Left Behind Act.
Synthetic Drug Abuse Prevention Act of 2012. (part of s.3187, the Food and Drug Administration Safety and Innovation Act).
New Jersey v. T.L.O., 469 U.S. 325 (1985).
Veronia School District 47J v. Acton, 515 U.S. 646. (1995).
Board of Education of Independent School District No 92 of Pottawatomie County v. Earls 01-332 U.S. (2002).

Policy adopted: January 26, 2017

MARLBOROUGH PUBLIC SCHOOLS
Marlborough, Connecticut