
Regulation: Administration of Medical Marijuana to Qualified Students

The Board of Education (the "Board") for Mapleton Public Schools 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 during school hours unless administration cannot reasonably be accomplished outside of school hours.

Students are strictly prohibited from possessing, using, selling, distributing, or exchanging, and from being under the influence of alcohol, drugs, or other controlled substances on school grounds or at school-sponsored events or activities. (JICH: Drug and Alcohol Involvement by Students)

The Board acknowledges that under Federal law, marijuana in any form, including medical marijuana, is an illegal controlled substance. This policy shall not be construed to allow or endorse the use of medical marijuana on school property, on a school bus, or at a school-sponsored event. Colorado law requires school districts to allow the administration of medical marijuana to qualified students in very specific circumstances, and this policy is designed to proscribe how District officials will handle such a request.

In the event a qualified student seeks permission, administration of medical marijuana shall be in accordance with this policy. Strict compliance with this policy is required; any violation will result in disciplinary action. Administration of all other prescription and nonprescription medications to students shall be in accordance with applicable law and the Board's policy concerning the administration of medications to students. (JLCD: Administering Medications to Students)

Definitions

For purposes of this policy, the following definitions shall apply:

1. "Designated location" means a location identified in writing by the 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 at a school-sponsored event in Colorado.
2. "Permissible form of medical marijuana" means non-smokable 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.

3. "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 shall another student be recognized as a primary caregiver. Any primary caregiver seeking access to school or District property, a school bus, or a school-sponsored event for purposes of this policy must comply with the Board's policy and/or procedures concerning visitors to schools and all other applicable policies.
4. "Qualified student" means a student who holds a valid registration from the State of Colorado (license issued by 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

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 student's parent/guardian provides the school with a copy of the student's 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 shall be 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. After administering the permissible form of medical marijuana to the qualified student, the student's primary caregiver shall 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), and any protocol regarding administration of a permissible form of medical marijuana to the qualified student. The written plan shall be signed by the school administrator, the qualified student, the qualified student's parent/guardian, and the qualified student's primary caregiver.

Additional Parameters

No student is ever permitted to possess marijuana, including medical marijuana, on school or District property, a school bus, or at a school-sponsored event. Nor is a student ever permitted to self-administer medical marijuana on school or District property, a school bus, or at a school-sponsored event.

School personnel shall not administer or hold medical marijuana in any form. In the event that a student is found to be in possession of marijuana, including medical marijuana, on school or District property, a school bus, or at a school-sponsored event, it shall be confiscated and dealt with in accordance with District policies related to student possession of controlled substances or alcohol.

No student, the student's parent(s)/guardian(s), or primary caregiver has the right 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. The District shall determine, in its sole discretion, the location for administration and shall ensure administration does not create a risk of disruption to the educational environment or exposure to other students.

Medical marijuana shall not be administered on school grounds, school buses, or school-sponsored events located on federal property or any other location that prohibits marijuana on its property, under any circumstances.

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 Board policy concerning drug and alcohol involvement by students or other Board policy and may subject the student to disciplinary consequences, including suspension and/or expulsion, in accordance with applicable Board policy.

The Board's intention in adopting this policy is to comply fully with Federal and State laws. In the event that the Federal government indicates that the District's federal funds are jeopardized by this policy, the Board declares that this policy shall be suspended immediately and that the administration of any form of medical marijuana to qualified students on school property, on a school bus, or at a school-sponsored event shall not be permitted. The District shall post notice of such policy suspension and prohibition in a conspicuous place on its website.

Adopted June 13, 2017.

LEGAL REFERENCES:

Colo. Const. Art. XVIII, Section 14 (establishing qualifications for use 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)(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 REFERENCES:

JICH: Drug and Alcohol Involvement by Students

JKD/JKE: Suspension/Expulsion of Students (and Other Disciplinary Interventions)

JLCD: Administering Medications to Students

JLCE: First Aid and Emergency Medical Care