

Related Entries: (Not identified at this time)

Medical Marijuana/Low THC Cannabis Use for Qualified Students in Schools

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7 (1) Guiding Principles:

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9 (a) PURPOSE:

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11 The exclusive purpose of this policy is to comply with the mandate of section
12 1006.062(8), Florida Statutes, for the adoption of a policy and a procedure to allow
13 a student who is a qualified patient, as defined in section 381.986, Florida
14 Statutes, to use marijuana obtained pursuant to that section. Nothing in this policy
15 shall be interpreted to extend any privilege beyond that mandated by section
16 1006.062(8), Florida Statutes.

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18 (b) RULES:

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20 1. Administration of medical marijuana/low THC cannabis/cannabinoid
21 products to qualified School District of Lee County students shall be in
22 accordance with this policy.
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24 2. Medical marijuana/low THC cannabis cannot be administered to a qualifying
25 student/patient while aboard a school bus or at a school-sponsored event.
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27 3. This policy conveys no right to any student or to the student's
28 parents/guardians or other caregiver to demand access to any general or
29 particular location on school or district property, a school bus or at a school-
30 sponsored event to administer medical marijuana/low THC cannabis.
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32 4. If the federal government indicates that the district's federal funds are
33 jeopardized by this policy, the Board declares that this policy shall be
34 suspended immediately and that the administration of any form of medical
35 marijuana/low THC cannabis to qualified students on school property shall
36 not be permitted. The district shall post notice of such policy suspension and
37 prohibition in a conspicuous place on its website.
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39 (c) DEFINITIONS:

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41 For purposes of the medical marijuana policy, the following definitions shall apply
42 per Florida Statute:
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1. “Student” means an individual enrolled in a public school, charter school, or contracted program under the authority of the School Board of Lee County.
 2. “Qualified student/patient” means a student/patient who is a resident of this state who has been added to the medical marijuana/low THC cannabis use registry by a qualified physician to receive marijuana or a marijuana delivery device for a medical use and who has a qualified patient identification card.
 - a. A qualified student/patient may designate no more than one caregiver to assist with the qualified student/patient’s medical use of marijuana unless:
 - i. The qualified student/patient is a minor and the designated caregivers are parents/legal guardians of the qualified student/patient;
 - ii. The qualified student/patient is an adult who has intellectual or developmental disability that prevents the student/patient from being able to protect or care for himself/herself without assistance or supervision and the designated caregivers are the parents or legal guardians of the qualified patient; or
 - iii. If a qualified patient is younger than 18 years of age, only a caregiver may purchase or administer marijuana for medical use by the qualified patient. The qualified patient may not purchase marijuana.
 3. “Primary caregiver” or “caregiver” must be 21 years of age or older and a resident of this state who has agreed to assist with a qualified patient’s medical use of marijuana, has a caregiver identification card, and meets the following requirements.
 - a. Agree in writing to assist with a registered qualified student/patient’s medical use of marijuana, is not currently serving as primary caregiver for another qualifying patient, and is not a qualifying student patient’s physician.
 - b. Has registered with the State Department of Health (DOH) Registry for medical marijuana/low THC cannabis use and meets all of the requirements.
 - c. Has been designated as a primary caregiver on the qualifying student/patient’s State DOH application.
 - d. The caregiver may be registered in the medical marijuana use registry for no more than one qualified student/patient unless:
 - i. the caregiver is a parent/legal guardian of more than one minor who is a qualified student/patient; or

- 90 ii. the caregiver is a parent/legal guardian of more than one
91 adult who is a qualified patient and who has an intellectual or
92 developmental disability that prevents the student/patient
93 from being able to protect or care for himself or herself
94 without assistance or supervision.
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96 4. "Designated location" means a location identified in writing by the
97 school administration in its sole discretion as written in the District's
98 Implementation Plan.
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100 5. "Permissible form of medical marijuana/low THC/cannabinoid products"
101 means non- smokable/non-inhalable products such as oils, tinctures,
102 edible products or lotions that can be administered and fully absorbed
103 in a short period of time.
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105 6. "Marijuana" means all parts of any plant of the genus Cannabis, whether
106 growing or not; the seeds thereof; the resin extracted from any part of
107 the plant; and every compound, manufacture, salt, derivative, mixture,
108 or preparation of the plant or its seeds or resin, including low-THC
109 cannabis, which are dispensed from a medical marijuana treatment
110 center for medical use by a qualified patient.
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112 7. "Low-THC Cannabis" means a plant of the genus Cannabis, the dried
113 flowers of which contain 0.8 percent or less of tetrahydrocannabinol and
114 more than 10 percent of cannabinal weight for weight; the seeds
115 thereof; the resin extracted from any part of such plant; or any
116 compound, manufacture, salt, derivative, mixture, or preparation of
117 such plant or its seeds or resin that is dispensed from a medical
118 marijuana treatment center.
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120 8. "Prohibited forms of medical marijuana/cannabinoid products" means
121 smokable, vapors, patches, and any other forms of administration that
122 provide continuous delivery of medical marijuana/low THC cannabis to
123 a qualified student/patient while at school shall not be permissible.
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125 (2) ADMINISTRATION OF MEDICAL MARIJUANA/LOW THC CANNABIS TO
126 QUALIFIED STUDENTS ON SCHOOL DISTRICT PROPERTY
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128 (a) ADMINISTRATION OF MEDICAL MARIJUANA/LOW THC CANNABIS USE
129 AT SCHOOL
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- 131 1. School District of Lee County employees and contractors are not allowed
132 to administer, store/hold or transport the medical marijuana/low THC
133 cannabis in any form.
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2. A parent/caregiver may administer medications/treatments to their child or a qualified student/patient during the school day. The parent/caregiver is responsible for safely administering and transporting the medication/treatment to and from school at the prescribed time of administration. An Authorization for Medical Marijuana/Low THC cannabis Use for Qualified Students at School Form must be completed by a physician for all medication/treatments that a parent/primary caregiver will be administering to their child during the school day, acknowledging that the parent/ caregiver will be administering the medication/treatment.
 3. District or school administration determines, in its sole discretion, the location of administration of a permissible form of medical marijuana/low THC cannabis that do not create risk of disruption to the educational environment or exposure to other students.
 4. District or school administration prepares, with input from the qualified student's parent/guardian, a written medical marijuana/low THC cannabis implementation plan that identifies the form, designated location(s), and any protocol regarding administration of a permissible form of medical marijuana/low THC cannabis to the qualified student/patient. The school administrator, the qualified student (if capable), the qualified student's parent/guardian, and the caregiver (if applicable) shall sign the written plan.

158 (b) REQUEST BY PARENT/GUARDIAN FOR AUTHORIZATION FOR THE USE
159 OF MEDICAL MARIJUANA/LOW THC CANNABIS TO BE ADMINISTERED
160 AT SCHOOL
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1. The District allows for the administration of medications/treatments, including medical marijuana, when administration cannot reasonably be accomplished outside of school hours. The primary caregiver should administer the medical marijuana/low THC cannabis at home whenever possible to qualified students who require the use of medical marijuana/low THC cannabis for a medical condition.
 2. Parent/guardian of a qualifying student requesting the administration of medical marijuana/low THC cannabis to the student at school, need to submit a written request to the principal.
 3. Qualified students who require the use of medical marijuana/low THC cannabis for a medical condition while at school, would receive the medical marijuana/low THC cannabis by their primary caregiver as ordered/recommended by a physician on school grounds at the location designated by the principal.

179 (c) RESPONSIBILITIES OF PARENT/CAREGIVER:
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- 181 1. Require that the qualified student/patient's caregiver shall be
182 responsible for providing the permissible form of medical marijuana/low
183 THC cannabis to be administered to the qualified student.
- 184 2. A parent/guardian of a qualifying student requesting the administration
185 of medical marijuana/low THC cannabis to the qualified student while
186 on school grounds must submit a written request to the Principal at least
187 48 hours in advance, excluding weekends and holidays, requesting
188 authorization to administer medical marijuana/low THC cannabis
189 pursuant to the policy.
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- 191 3. Parent/guardian must provide the principal a copy of the current
192 Department of Health Registry Identification Card for the qualifying
193 student/patient and the primary caregiver, and a valid form of picture
194 ID.
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- 196 4. The qualified student's parent/guardian provides the school, with an
197 Authorization for Medical Marijuana/Low THC cannabis Use for
198 Qualified Students at School Form completed by a physician and
199 signed by the parent/ guardian for the administration of medical
200 marijuana/low THC cannabis to the qualified student during the school
201 day, acknowledging that a parent/caregiver will be administering the
202 medical marijuana/low THC cannabis. The form must be submitted to
203 the principal/designee every school year, and when there are any
204 changes to the medication and the type of preparation (i.e., oils, tablet).
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- 206 5. The completed form shall include the type, amount, time to be
207 administered, possible side effects and any special instructions
208 regarding the medication.
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210 (d) RESPONSIBILITIES OF PRINCIPALS/ADMINISTRATORS:

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212 Upon review and approval of the documentation submitted by the parent, the
213 Principal will:

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- 215 1. Coordinate the development of the District's Implementation Plan for
216 *Medical Marijuana/Low THC Cannabis Use for Qualified Students at*
217 *School*. The plan includes the following information:
 - 218 i. The specific location and time(s) where the parent/primary
219 caregiver shall report to administer the medical marijuana;
 - 220 ii. School staff member(s) who the parent/primary caregiver must
221 coordinate with at the school for administration of the medical
222 marijuana/low THC cannabis to the qualifying student.
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- 225 2. Provide the parent/guardian with a copy of Policy 4.20, Medical
226 Marijuana/Low THC Cannabis Use to Qualified Students in Schools and

- 227 review the written District's Implementation Plan for medical
228 marijuana/low THC cannabis use at school with parent/guardian.
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230 3. Report to Student Services any incidence of student/parent/caregiver
231 dispensation of substances other than the permissible forms of medical
232 marijuana/low THC cannabis as specified on the Authorization for
233 Medical Marijuana/Low THC cannabis Use for Qualified Students at
234 School Form, signed by the parent/guardian and physician and take
235 action in accordance with School Policies 5.8, Code of Student Conduct
236 and Policy 5006, Suspension and Expulsion.
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238 4. The Principal or designee shall send a copy of the implementation plan
239 to the administrator of Student Health Services and Student Services.
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241 (e) CONSEQUENCES OF RULE VIOLATION

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243 1. Permission to administer medical marijuana/low THC cannabis to a
244 qualified student/patient may be limited or revoked if the qualified
245 student/patient or the student's caregiver violate this policy or
246 demonstrate an inability to responsibly follow this policy's parameters.
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248 2. At no time shall the qualifying student/patient have the medical
249 marijuana/low THC cannabis in their possession except during the
250 administration process, through dispensation by the designated primary
251 caregiver, per the District's Implementation Plan.
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253 3. Consequences for sale/attempted sale/transmittal of any medical
254 marijuana/low THC cannabis products or low THC cannabis, or
255 substances held out and represented to be medical marijuana/low THC
256 cannabis, may result in disciplinary actions as outlined in the current
257 Code of Conduct for Students, and Policy 4.04, Suspension, Expulsion,
258 and Alternative Assignment.
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260 4. Student possession, use, or being under the influence of marijuana or
261 marijuana derivatives inconsistent with this policy may be considered a
262 violation of the current Code of Conduct for Students, and Policy 4.04,
263 Suspension, Expulsion, and Alternative Assignment and may subject
264 the student to disciplinary consequences, including suspension and/or
265 expulsion, in accordance with applicable Board policy, and may require
266 consultation with local law enforcement.
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268 5. Dispensation by parent/caregiver of medical marijuana/low THC
269 cannabis in any form other than specified on the Authorization for
270 Medical Marijuana/Low THC cannabis Use for Qualified Students at
271 School Form, signed by the parent/guardian and physician may be
272 treated as a violation of School Board Policy 4.04, Suspension,

273 Expulsion, and Alternative Assignment, for possession, use, or being
274 under the influence of unauthorized substance, which are expellable
275 offenses.

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277 **STATUTORY AUTHORITY:** s. 381.986 (1) (6) F.S. (2017)

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279 Adopted: 11/19/19