

NOTE: State law requires school districts to adopt policies to allow primary caregivers to administer medical marijuana to qualified students and authorize designated school personnel to administer medical marijuana to qualified students on school property, on a school bus, or at a school-sponsored event. C.R.S. 22-1-119.3 (1) & (3)(d)(I).

Given that federal law regards marijuana as illegal, a district may prohibit a primary caregiver or volunteer school personnel from possessing, administering, or assisting to administer medical marijuana to a qualified student upon school grounds, on a school bus, or at a school-sponsored event only if the district loses or will lose federal funding as a result of implementing a policy allowing the previously referenced actions, 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 such policy, and the district posts on its website in a conspicuous place a statement regarding this decision. C.R.S. 22-1-119.3 (3)(d)(IV).

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

This sample policy contains the policy content/language that CASB believes best meets the intent of the law. CASB strongly recommends that the district consult with its own legal counsel prior to the local Board’s adoption of a policy on this issue.

Administration of Medical Marijuana to Qualified Students

The Board 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 Board’s policy 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 at 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.

NOTE: This sample policy limits the definition of "medical marijuana" to cannabis products with a THC concentration greater than 0.3 percent because cannabis products with a THC concentration of 0.3 percent or less are not considered marijuana under state law and are not considered a controlled substance under federal law. See, C.R.S. 35-61-101 (7) and the federal Agriculture Improvement Act of 2018. Given this policy's definition of medical marijuana, administration of cannabis products with a THC concentration of 0.3 percent or less to students is covered by CASB sample policy JLCD, Administering Medications to Students, and not this policy.

3. "Permissible form of medical marijuana" means nonsmokeable 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 a 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 Board'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 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 acknowledgment 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 must 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. 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 may 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 Dolores School Nurse (“school nurse”) may administer a permissible form of medical marijuana following the set policy by the Dolores School District.
2. The school nurse will offer a secure area for parents/guardians to store non-FDA approved marijuana products for parents/guardians to administer this medication during school hours.

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 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.

If the federal government indicates that the district’s federal funds are jeopardized by this policy, the Board declares that this policy must 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 must not be permitted. The district must post notice of such policy suspension and prohibition in a conspicuous place on its website.

Adopted: August 2019

Revised: April 2020, April 2021, March 2022

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.: 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