

CHAPTER 5.00 – STUDENTS

5.151 – Medical Marijuana/Low THC Cannabis Use to Qualified Students in Schools

POLICY

The School Board of Levy County shall adhere to all requirements related to employee misconduct that affects the health, safety or welfare of a student.

RULES

Administration of medical marijuana/low THC cannabis/cannabinoid products to qualified District students shall be in accordance with this policy.

Medical marijuana/low THC cannabis cannot be administered to a qualifying student/patient while aboard a school bus or at a school-sponsored event.

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

If 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/low THC cannabis to qualified students on school property shall not be permitted. The District shall post notice of such policy suspension and prohibition in a conspicuous place on its website.

DEFINITIONS

For purposes of the medical marijuana policy, the following definitions shall apply per Florida statute:

1. "Student" means an individual enrolled in a District school, Pre-K through 12th grade who are subject to compulsory school attendance, as well as students with disabilities eighteen (18) through twenty-one (21) years of age.
2. "Qualified student/patient" means a student/patient who is a resident of this State who has been added to the Medical Marijuana Use Registry by a qualified physician to receive marijuana or a marijuana delivery device for medical use and who has a valid qualified patient identification card.

A qualified student/patient may designate no more than one caregiver to assist with the qualified student/patient's medical use of marijuana unless:

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- a. The qualified student/patient is a minor and the designated caregivers are parents/legal guardians of the qualified student/patient;
 - b. The qualified student/patient is an adult who has an 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
 - c. If a qualified patient is younger than eighteen (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 twenty-one (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 (1) qualified student/patient unless:
 - e. The caregiver is a parent/legal guardian of more than one (1) minor who is a qualified student/patient; or
 - f. The caregiver is a parent/legal guardian of more than one (1) adult who is a qualified patient and who has an intellectual or developmental disability that prevents the student/patient from being able to protect or care for himself/herself without assistance or supervision.

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- g. “Designated location” means a location identified in writing by the school administration in its sole discretion as written in the District’s implementation plan.
- h. “Permissible form of medical marijuana/low THC/cannabinoid products” means nonsmokeable/non-inhalable products such as oils, tinctures, edible products or lotions that can be administered and fully absorbed in a short period of time and are ONLY dispensed from a medical marijuana treatment center for medical use by a qualified patient.
- i. “Marijuana” means all parts of any plant of the genus cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC cannabis, which are dispensed from a medical marijuana treatment center for medical use by a qualified patient.
- j. “Low-THC Cannabis” means a plant of the genus cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than ten percent (10%) of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed from a medical marijuana treatment center.
- k. “Prohibited forms of medical marijuana/cannabinoid products” means vapors, patches, and any other forms of administration that provide continuous delivery of medical marijuana/low THC cannabis to a qualified student/patient while at school shall not be permissible. Forms of medical marijuana/low THC cannabis not included in this definition may be addressed as outlined in Extenuating Circumstances, Section C.

ADMINISTRATION OF MEDICAL MARIJUANA/LOW THC CANNABIS TO QUALIFIED STUDENTS ON SCHOOL DISTRICT PROPERTY

- 1. **ADMINISTRATION OF MEDICAL MARIJUANA/LOW THC CANNABIS USE AT SCHOOL**
 - a. School nurses or health care personnel or school district employees are not allowed to administer, store/hold, or transport the medical marijuana/low THC cannabis in any form.
 - b. A parent/caregiver may administer medications/treatments to their child or a qualified student/patient during the school day.

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The parent/caregiver is responsible for safely administering and transporting the medication/treatment to and from school each day. 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.

- c. 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 a risk of disruption to the educational environment or exposure to other students.
- d. 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.

2. REQUEST BY PARENT/GUARDIAN FOR AUTHORIZATION FOR THE USE OF MEDICAL MARIJUANA/LOW THC CANNABIS TO BE ADMINISTERED AT SCHOOL

- a. The District allows for the administration of medications/treatments, including medical marijuana, when the 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.
- b. 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.
- c. 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.

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3. EXTENUATING CIRCUMSTANCES

Any administration of medical marijuana/low THC cannabis that requires consideration outside of the rules outlined within this policy must be reviewed and approved by the ESE and Student Services Office. Parents may make requests for consideration through the school principal.

RESPONSIBILITIES OF PARENT/CAREGIVER

1. Require that the qualified student/patient's caregiver shall be responsible for providing the permissible form of medical marijuana/low THC cannabis to be administered to the qualified student.
2. A parent/guardian of a qualifying student requesting the administration of medical marijuana /low THC cannabis to the qualified student while on school grounds must submit a written request to the Principal at least forty-eight (48) hours in advance, excluding weekends and holidays, requesting authorization to administer medical marijuana/low THC cannabis pursuant to the policy.
3. Parent/guardian must provide the principal a copy of the current Department of Health Registry Identification Card for the qualifying student/patient and the primary caregiver, and a valid form of picture ID.
4. The qualified student's parent/guardian provides the school, with an Authorization for Medical Marijuana/Low THC cannabis Use for Qualified Students at School Form completed by a physician and signed by the parent/guardian for the administration of medical marijuana/low THC cannabis to the qualified student during the school day, acknowledging that a parent/caregiver will be administering the medical marijuana/low THC cannabis. The form must be submitted to the principal/designee every school year, and when there are any changes to the medication and the type of preparation (i.e., oils, tablet).
5. The completed form shall include the type, amount, time to be administered, possible side effects and any special instructions regarding the medication.

RESPONSIBILITIES OF PRINCIPALS/ADMINISTRATORS

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

1. Coordinate the development of the District's Implementation Plan for Medical Marijuana/Low THC Cannabis Use for Qualified Students at School. The plan includes the following information:

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- a. The specific location and time(s) where the parent/primary caregiver shall report to administer the medical marijuana;
 - b. School staff member(s) who the parent/primary caregiver must coordinate with at the school for the administration of the medical marijuana/low THC cannabis to the qualifying student.
2. Provide the parent/guardian with a copy of Policy 5.151 Medical Marijuana/Low THC Cannabis Use to Qualified Students in Schools and review the written District's Implementation Plan for medical marijuana/low THC cannabis use at school with parent/guardian.
3. As needed report to the ESE and Student Services Office any incidence of student/parent/caregiver dispensation of substances other than the permissible forms of medical marijuana/low THC cannabis as specified on the Authorization for Medical Marijuana/Low THC cannabis Use for Qualified Students.
4. The Principal or designee may consult with the ESE and Student Services Office as needed.

CONSEQUENCES OF RULE VIOLATION

1. Permission to administer medical marijuana/low THC cannabis to a qualified student/patient may be limited or revoked if the qualified student/patient or the student's caregiver violate this policy or demonstrate an inability to responsibly follow this policy's parameters.
2. At no time shall the qualifying student/patient have the medical marijuana/low THC cannabis in their possession except during the administration process, through dispensation by the designated primary caregiver, per the District's Implementation Plan.
3. Consequences for sale/attempted sale/transmittal of any medical marijuana/low THC cannabis products or low THC cannabis, or substances held out and represented to be medical marijuana/low THC cannabis, may result in disciplinary actions as outlined in Board policies and Student Code of Conduct.
4. Student possession, use, or being under the influence of marijuana or marijuana derivatives inconsistent with this policy may be considered a violation of Board policies and Student Code of Conduct and may subject the student to disciplinary consequences, including suspension and/or expulsion, in accordance with applicable Board policy, and may require consultation with local law enforcement.

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5. Dispensation by parent/caregiver of medical marijuana/low THC cannabis in any form other than specified on the Authorization for Medical Marijuana/Low THC cannabis Use for Qualified Students at School Form, signed by the parent/guardian and physician may be treated as a violation of Board policies and Student Code of Conduct, for possession, use, or being under the influence of unauthorized substance, which are expellable offenses.

STATUTORY AUTHORITY:

F.S. F.S. 381.986
F.S. 381.986 (6) (a), (b) 2, (c) 1, 2, (d)
F.S. 381.986 (1) (a), (e), (f), (j), (l)
F.S. 1006.062 (8)

LAW(S) IMPLEMENTED:

Article X, Section 29, Constitution of the State of Florida

STATE BOARD OF EDUCATION RULES:

HISTORY:

Adopted: 12/10/19
Revision Date(s): N/A
Formerly: NEW