

CHAPTER 5.0 – STUDENTS

Medical Marijuana

5.151

1. Purpose. The sole purpose of this policy is to comply with the mandate of Florida Statute 1006.062(8) for the adoption of a policy and a procedure to allow a student who is a qualified patient, as defined in Florida Statute 381.986, to use marijuana obtained pursuant to that section. Nothing in this policy shall be interpreted to extend any privilege beyond that mandated by Florida Statute 1006.062(8).
2. Definitions. The definitions set forth in Florida Statute 381.986(1) are hereby adopted and incorporated by reference into this policy unless otherwise provided below:
 - a. “Designated location” means a location identified, in his or her sole discretion, by the school principal for the administration of medical marijuana by an authorized Caregiver.
 - b. “Low-THC cannabis” shall have that meaning prescribed by Florida Statute 381.986(1)(e), which means a plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent 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.
 - c. “Marijuana” shall have that meaning prescribed by Florida Statute 381.986(1)(f), which 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. For purposes of this policy, the terms “marijuana” and “medical marijuana” may be used interchangeably.
 - d. “Prohibited forms of medical marijuana/cannabinoid products” means any vapors, patches, smokable, and other forms of administration that provide continuous delivery of medical marijuana/cannabinoid products to a student while at school. Such other forms of administration shall not be permissible.
 - e. “Permissible forms of medical marijuana/cannabinoid products” means non-smokable/non-inhalable products such as oils, tinctures, edible products or lotions that can be administered and fully absorbed in a short period of time.

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- f. “Student” means an individual enrolled in a District school excluding charter school.
 - g. “Qualified student/patient” means a student who meets the definition of a qualified patient in Florida Statute 381.986(1)(l).
3. Administering Medical Marijuana by Caregiver.
- a. Marijuana may be administered by a Caregiver to a qualified student/patient on District property during school hours in accordance with this policy and at a designated location only if the marijuana is for a qualifying medical condition to the extent authorized by Florida Statute 381.986.
 - b. This policy conveys no right to any student or to the student’s parents/guardians or other Caregiver to demand access to any location on school or District property, a school bus or at a school- sponsored event to administer marijuana.
 - c. No District employee or contractor may administer, store/hold or transport marijuana in any form nor may it be stored in any District vehicle or on any District property, including school grounds and parking lots.
 - d. A Caregiver seeking to administer marijuana to a qualified student/patient on District property must first provide the following to the school:
 - i. proof of valid physician certification by a qualified physician;
 - ii. proof that the student is a qualified patient;
 - iii. proof of valid Caregiver identification card from the State of Florida which demonstrates that the person is authorized to administer the marijuana to the qualified student/patient; and
 - iv. any other information or documentation determined necessary by the Superintendent or designee to reasonably implement the terms of this policy.
- The school shall have five (5) school days to verify this documentation.
- e. The parent/guardian/Caregiver shall be responsible for providing the permissible form of marijuana to be administered to the qualified student and for removing the marijuana from school grounds immediately after the administration is complete. Administration of the marijuana shall be at a designated location and will not involve the participation, or supervision, by any employee. No qualifying student/patient shall have marijuana in their possession except during the administration process by his or her Caregiver.

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- f. The Caregiver assumes all potential civil and criminal responsibility and liability indirectly or directly connected to activities under this policy. Administration of marijuana to a qualified student under this policy is a personal and medical decision by the parent/legal guardian and is not endorsed by the Board or any school official.
 - g. Any Caregiver must comply with applicable school check-in and check-out procedures.
 - h. Student possession, use, distribution, sale or being under the influence of marijuana inconsistent with, and not expressly authorized by, this policy is prohibited and is a violation of School Board Rule 3.15 and may subject the student to disciplinary consequences, including suspension and/or expulsion.
 - i. Access to a qualified student on school property by a Caregiver may be limited or revoked if the qualified student/patient or the student’s Caregiver violates this policy.
4. Off-campus Alternative. A qualified student/patient who meets the requirements of paragraph 3 above may leave campus with a parent, guardian or Caregiver for administration of marijuana for a qualified medical condition to the extent authorized by Florida Statute 381.986. Such absence shall be scheduled and approved in advance by the principal or principal’s designee.
5. Termination. After posting a notice at each District school and on the District website for a period of five school days, the Superintendent is authorized to suspend this policy for a period of up to one hundred twenty (120) days upon notification that the federal government is investigating whether, or has determined, that this policy violates federal law or jeopardizes its receipt of federal funds. The Superintendent may also recommend repeal of this policy to the Board through the rulemaking process during this period.

STATUTORY AUTHORITY:

1001.41; 1001.42, F.S.

LAWS IMPLEMENTED:

381.896; 1006.062, F.S.

HISTORY:

Adopted: 12/10/19