

Policy 5330.02 – MEDICALLY PRESCRIBED MEDICAL MARIJUANA/LOW THC CANNABIS USE TO QUALIFIED STUDENTS IN SCHOOLS

DEFINITIONS

For purposes of this procedure, 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 State of Florida 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:
 - a. the qualified student/patient is a minor and the designated caregivers are parents/legal guardians of the qualified student/patient; or
 - 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;
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 of Florida Department of Health (DOH) Medical Marijuana Registry for medical marijuana/low THC cannabis use and meets all 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:
 1. the caregiver is a parent/legal guardian of more than one (1) minor who is a qualified student/patient; or
 2. 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.
4. “Designated location” means a location on school grounds where medical marijuana/low THC cannabis will be administered to a qualified student/patient by the primary caregiver. Such locations shall be identified in writing by the school Principal in their sole discretion, in coordination with the School Health Coordinator..

5. "Permissible form of medical marijuana/low THC/cannabinoid products" means non-smokeable/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 State of Florida licensed medical marijuana treatment center for medical use by a qualified patient.
6. "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.
7. "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 cannabinol 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.
8. "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 MONROE COUNTY SCHOOL DISTRICT PROPERTY

A. ADMINISTRATION OF MEDICAL MARIJUANA/LOW THC CANNABIS USE AT SCHOOL

1. School nurses or health care personnel or school administration staff are not allowed to administer, store/hold or transport the medical marijuana/low THC cannabis in any form.
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 each day. A **MCSA Authorization for Medical Marijuana/Low THC cannabis Use for Qualified Students at School Form** must be completed by a the prescribing 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. Parent/caregiver are also required to sign this form.
3. District or school administration determines, in its sole discretion, the designated 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.
4. The District or school administration shall keep on file the **MCSA Authorization for Medical Marijuana/Low THC cannabis Use for Qualified Students at School Form** that identifies the form 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 or acknowledge this form.

5. Only medication in its original container labeled with the date, the qualifying student/patient's name, and the exact dosage and route will be allowed to be administered during school hours. The Principal or their designee and the parent/guardian that is administering the medication will complete a medication administration record (MAR) log each time medical marijuana is administered to a student/patient in the school setting.

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

1. 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.
2. The Parent/guardian of a qualifying student requesting the administration of medical marijuana/low THC cannabis to the student at school, need to submit a completed MCS **Authorization for Medical Marijuana/Low THC cannabis Use for Qualified Students at School Form**.
3. Qualified students who require the use of medical marijuana/low THC cannabis for a medical condition while at school may receive the medical marijuana/low THC cannabis administered by their primary caregiver as ordered by the qualified physician on school grounds, only at the designated location.

C. EXTENUATING CIRCUMSTANCES

Any administration of medical marijuana/low THC cannabis that requires consideration outside of the rules outlined within this procedure must be reviewed and approved by the School Health Coordinator/ Monroe County School District. Parents may make requests for consideration through the school principal.

D. RESPONSIBILITIES OF PARENT/CAREGIVER

1. 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. 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 (**MCS *Authorization for Medical Marijuana/Low THC cannabis Use for Qualified Students at School Form***) at least forty-eight (48) hours in advance, excluding weekends and holidays, requesting

authorization to administer medical marijuana/low THC cannabis pursuant to policy 5330 and/or this procedure.

2. The parent/guardian must provide the principal a copy of the current State of Florida Department of Health Registry Identification Card certifying participation in the State of Florida Medical Marijuana Program for the qualifying student/patient and the primary caregiver, and a valid form of picture ID and a copy of the student and caregiver's State of Florida Medical Marijuana Program identification card.
3. The qualified student/patient's caregiver provides the school, with an **MCS D 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).
4. The **MCS D Authorization for Medical Marijuana/Low THC cannabis Use for A Qualified Student/Patient at School Form** must include the name of the medication, the dosage and route, and time to be administered, possible side effects and any special instructions regarding the medication.
5. To the extent that medical marijuana / low THC cannabis is administered to a qualified student/patient in a topical form, the Caregiver shall be responsible for ensuring that the area to which the medication was administered is covered by clothing, barriers (such as bandages or gauze), or any combination thereof.
6. The Caregiver shall be required to comply with all applicable check-in policies and procedures of the school.

E. RESPONSIBILITIES OF PRINCIPALS/ADMINISTRATORS

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

1. Identify the specific location and time(s) where the parent/primary caregiver shall report to administer the medical marijuana;
2. Designate 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.
3. Provide the parent/guardian with a copy of Policy 5330.02 and review **the MCS D Authorization for Medical Marijuana/Low THC Cannabis Use for Qualified Students at School Form** with parent/guardian.
4. Report any incidence of student/parent/caregiver dispensation of substances other than the permissible forms of medical marijuana/low THC cannabis as specified on **the MCS D Authorization for Medical Marijuana/Low THC cannabis Use for Qualified Students at School Form**, signed by the parent/guardian and physician and take action in accordance with School Board policies and Student Code of Conduct.

The Principal or designee shall consult with the School Health Coordinator as needed.

F. CONSEQUENCES OF PROCEDURE 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 procedure/policy or demonstrate an inability to responsibly follow this its 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 procedures.
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.
5. Dispensation by parent/caregiver of medical marijuana/low THC cannabis in any form other than specified on **the MCSD 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.

G. TERMINATION

After posting notice on the District website for a period of five (5) 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 or has determined whether this policy exists in violation of federal law or jeopardizes the District's receipt of federal funding. This section shall not inhibit or restrict the Superintendent's authority to recommend permanent repeal or amendment of this policy to the Board through the standard rulemaking process at any time.

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)

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