

The federal government has requested that the District refrain from allowing the use of cannabinoid products/medical marijuana. Further, the District has either lost federal funding or was advised by the federal government that it was at risk of losing such funding if it allowed such use of cannabinoid products/medical marijuana. As a result, effective immediately (October 23, 2020), the District is not complying with CRS 22-1-119.3, including subsections (3)(d) and (3)(d.5), and it is suspending the operation of Board Policy JLCDB, both of which govern the use of cannabinoid products/medical marijuana.

ADMINISTRATION OF MEDICAL MARIJUANA

The Colorado Springs School District 11 Board of Education (the Board) strives to honor families' private medical decisions while ensuring a learning environment free from disruption. To accomplish these goals and in accordance with state law, Colorado Springs School District 11 (the District) restricts the administration of prescription medications, including cannabinoid products, during school hours unless administration cannot reasonably be accomplished outside of the school day.

Administration of cannabinoid products to qualified students on school grounds, upon a school bus or at a school-sponsored event shall be in accordance with this policy. This policy does not apply to the administration of any other prescription or nonprescription medications, which shall be governed in accordance with existing Board policies and applicable laws.

Definitions

For purposes of this policy, the following definitions shall apply:

1. "Qualified student" means a student who holds a valid registration from the state of Colorado for use of cannabinoid products (*i.e.* a "red card") and for whom the administration of cannabinoid products cannot reasonably be accomplished outside of school hours. The parent/guardian of a qualified student (or the qualified student if an adult) shall provide to the qualified student's school of attendance the qualified student's original registration card or form, and allow the school of attendance to make one or more copies.
2. "Designated location" means a location identified in writing by the school or the District in its sole discretion and may include a location on school grounds, upon a school bus or at any school-sponsored event.
3. "Medical professional" means an individual licensed under article 36 or article 38 of title 12 of the Colorado Revised Statutes, who has prescriptive authority (*i.e.* the authority to write prescriptions). A medical professional must provide to the qualified student (if an adult) or his/her parent/guardian a signed document describing: (a) the cannabinoid product and dose prescribed; (b) the side effects of the product; and (c) the reason the product is necessary for the qualified student. The qualified student (if an adult) or his/her parent/guardian shall provide to the school of attendance the original document and allow the school of attendance to make one or more copies.
4. "Permissible form of cannabinoid products" means non-inhalable (smoke or vapor) products such as oils, tinctures, edible products or lotions that can be administered and fully ingested

or absorbed in a short period of time that are not otherwise intended for recreational use. Patches or other forms of administration that continue to deliver cannabinoid products to a student while at school are not permitted.

5. "Primary caregiver" means the parent/guardian of a qualified student or a licensed health care professional, but does not include a qualified student who is an adult or any other student.

Permissible administration of cannabinoid products to a qualified student

A primary caregiver may administer permissible forms of cannabinoid products to a qualified student on school grounds, upon a school bus or at a school-sponsored event if the following criteria are met:

1. If the primary caregiver is a licensed health care professional, he/she must be employed by the parent/guardian (or the qualified student if an adult) specifically to assist the qualified student in the administration of cannabinoid products.
2. The parent/guardian (or the qualified student if an adult) shall sign and provide to the school of attendance a written acknowledgement: (a) that the individual administering the permissible form of cannabinoid product is qualified to perform the task; (b) that the parent/guardian (or qualified student if an adult) assumes all responsibility for the administration, maintenance and use of the cannabinoid product; and (c) that the parent/guardian (or qualified student if an adult) releases the District from liability for any injury arising out of the administration of the cannabinoid product.
3. The primary caregiver shall be responsible for providing the permissible form of cannabinoid product(s) to be administered to the qualified student.
4. The District may determine, in its sole discretion, whether a location or method of administration of cannabinoid products is available that does not create disruption of the educational environment or cause exposure to other students.
5. The District may determine, in its sole discretion, whether the continued use of the cannabinoid product creates disruption to the learning environment or causes exposure to other students. If the District determines that the cannabinoid product creates a disruption or causes exposure, the District shall consider alternative arrangements.
6. The District shall develop (with input from the parent/guardian and the qualified student, if capable) a written plan that identifies the form of the cannabinoid product to be administered, the location(s) where the product will be administered, and any protocol regarding such administration. The written plan shall be signed by the school nurse, a school administrator, the qualified student (if capable), and the qualified student's parent/guardian. A (parent/guardian signature is not required for adult students). School personnel shall not administer, hold or store overnight any cannabinoid products in any form.

This policy is not intended to and does not convey any right to any student, parent/guardian or medical professional to demand access to any general or particular location on school or District grounds to administer cannabinoid products. Further, student possession, use, distribution, sale or being under the influence of cannabinoid products 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 REQUESTS THAT THE DISTRICT REFRAIN FROM PERFORMING OR ALLOWING ANY ACTIVITY UNDER THIS POLICY OR INDICATES THAT THE DISTRICT IS AT RISK OF LOSING FEDERAL FUNDING, THE DISTRICT SHALL IMMEDIATELY SUSPEND THIS POLICY AND DISALLOW THE USE OF CANNABINOID PRODUCTS ON SCHOOL GROUNDS, UPON SCHOOL BUSES AND AT SCHOOL-SPONSORED EVENTS.

LEGAL REFS: 20 U.S.C. § 1232g; 34 CFR Part 99 (FERPA)
 The Health Insurance Portability and Accountability Act of 1996,
 P.L. No. 104-191, 110 Stat. 1938 (1996).
 C.R.S. § 22-1-119.3 (no student possession or self-administration of
 marijuana, but policy can permit assisted administration)
 C.R.S. § 12-36-102.5 (licensing of physicians)
 C.R.S. § 12-38-103 (licensing of nurses)

CROSS REFS: JICH, Drug and Alcohol Use by Students
 JKD/JKE, Student Suspension/Expulsion/Denial of Admission
 JLCD, Administering Medicines to Students
 JLCE, First Aid and Emergency Medical Care