

LEBANON SCHOOL DISTRICT

POLICY: 210.2
SECTION: PUPILS
TITLE: USE OF MEDICAL MARIJUANA
ADOPTED: AUGUST 13, 2018

210.2 USE OF MEDICAL MARIJUANA

Purpose

The Board recognizes that there may be some students in the School District who rely on the use of medical marijuana to manage a medical condition and who may be unable to effectively function at school without it. This policy is intended to supplement Board Policy 210, relating to the Use of Medications.

Authority

The Board recognizes that Pennsylvania's Act 16 of 2016 legalizes medical marijuana in the State of Pennsylvania as one potential therapy that may mitigate suffering in some patients and also enhances quality of life.¹

Pennsylvania's Act 16 of 2016 extends administering medical marijuana to students while in school² and provides that a caregiver may possess and administer marijuana in a non-smokable form on the grounds of a preschool or primary or secondary school in which qualifying student is enrolled, if: a) a medical provider has provided the minor qualifying student with a current written certification for the medical use of marijuana and b) possession of medical marijuana is the purpose of administering it to the minor qualifying student.

In conjunction with Pennsylvania's Act 16 of 2016, the Board also recognizes that federal law has declared the use, sale, or distribution of marijuana illegal and that marijuana is currently an illegal Schedule 1 substance pursuant to the Controlled Substances Act.³

This Board enacts this Policy to reconcile the inconsistencies between federal and state law by accommodating the medical need of the student and remaining in compliance with federal law.

¹ 35 P.S. §10231.101 et seq.

² 35 P.S. § 10231.2104.

³ 21 U.S.C. § 801 et seq.

Definitions

School grounds shall mean any property owned or used by the School District. Property “used” by the School District shall include property used for school-sponsored events, extracurricular activities, and co-curricular activities.

Caregiver is defined as a parent or legal guardian of the patient, an individual designated by a parent or legal guardian, or an appropriate individual approved by the department upon a sufficient showing that no parent or legal guardian is appropriate or available.⁴

Guidelines

The Board strictly prohibits any form of marijuana from being possessed, used, or distributed on school grounds by any individual.

In the event that a student requires the use of medical marijuana for a medical condition, upon proof of eligibility, he/she will be permitted to temporarily leave school grounds under the care of his/her caregiver solely for the purpose of having his/her medical marijuana administered.

The student shall be allotted twenty (20) minutes to temporarily leave school grounds under the care of his/her caregiver solely for the purpose of having his/her medical marijuana administered.

The time that the student is removed from school grounds for purposes of this policy shall constitute an acceptable temporary excusal from Compulsory School Attendance Requirements.

The removal of the student from school grounds for the purpose of having his/her medical marijuana administered by his caregiver shall be scheduled by the caregiver and the principal or designee so as to provide minimum interruption of instructional time for the student and with a minimum disruption of routine school operations.

Eligibility

In order for an individual to remove the student from school grounds to administer the medical marijuana to the student, the individual must provide proof to the building principal or designee that:

⁴ 35 P.S. § 10231.506; 28 Pa. Code. § 1191.21; 1192.23(d).

1. He/she is the caregiver for the student who is authorized to administer the student's medical marijuana, proof to be shown by the appropriate identification card issued pursuant to the Medical Marijuana Act;⁵
2. The student has a current written certification from a medical provider and a medical marijuana patient authorization letter from the Department of Health and Safety for the use of medical marijuana;⁶ and
3. The student's medical provider certifies that the student needs to have the medical marijuana administered during school hours, as opposed to before or after school.

A student who is eligible to use medical marijuana pursuant to this policy may not be excluded from school, extra-curricular activities, or co-curricular activities because he/she requires medical marijuana to attend school.

Records

Any information relating to a student's use of medical marijuana pursuant to this policy shall be kept as part of the student's record and shall be collected and retained in compliance with Policy 216, relating to Student Records.

Delegation of Responsibility

The Superintendent or designee shall develop procedures for effectuating this policy.

⁵ 28 Pa. Code. § 1191.28.

⁶ 28 Pa. Code. § 1191.32(a).