

MEDWAY SCHOOL BOARD POLICY MEDICAL MARIJUANA IN SCHOOLS

The Board recognizes that there may be some students in the Medway School Department 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.

Maine law provides that a “primary caregiver” (defined as parent, guardian or legal custodian under Maine’s medical marijuana law, 22 MRSA § 2423-A91)(E)) may possess and administer marijuana in a nonsmokeable form in a school bus or on the grounds of the preschool or primary or secondary school in which a minor qualifying patient is enrolled, if: a) a medical provider has provided the minor qualifying patient with a current written certification for the medical use of marijuana and b) possession of medical marijuana is for the purpose of administering it to the minor qualifying patient.

In accordance with the applicable law, this only applies to students under the age of 18. Also, medical provider is defined as a physician or certified nurse practitioner.

In order to facilitate administration of medical marijuana with a minimum interruption of instructional time for the student and with a minimum of disruption of routine school operations, the Board approves the following guidelines for the administration of medical marijuana:

- A. The person administering the medical marijuana must provide proof that
 - 1. He/she is the primary caregiver (parent, guardian or legal custodian) for the student;
 - 2. The student has a current written certification from a medical provider for the use of medical marijuana; the original certification must be shown to the school employee processing the request for the primary caregiver to administer medical marijuana at school.
 - 3. The student needs to have the drug administered during the school day, as opposed to before or after school.

- B. The primary caregiver shall obtain a copy of the Medway School Department’s Request/ Permission to Administer Medical Marijuana in School Form and Board Policy JLCDA.
 - 1. The primary caregiver and the student’s authorized medical provider shall complete and sign the Request/Permission Form and provide the original certification, to be copied and attached to the form.

- C. The marijuana must be in a nonsmokeable form;

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- D. The marijuana must be possessed only by the primary caregiver and only for the purpose of administering it to the student at school; it cannot be given to or held by any school employee, student or other person in school, with the exception of the “qualifying patient;”
- E. Only the primary caregiver may administer medical marijuana – it cannot be done by, or delegated to, a school employee or any other person than the primary caregiver;
- F. Medical marijuana may be administered only at the principal’s office; the primary caregiver must go there directly and must sign in at the main office;
- G. The student may not possess medical marijuana at any time or place except during the time of its consumption, at the designated location, and under the supervision of the caregiver.
- H. The primary caregiver must check-out at the school office following administration of the medical marijuana and transport any remaining medical marijuana with him/her off school premises.

A student who holds written certification for the medical use of marijuana may not be excluded (suspended or expelled) from school because he/she requires medical marijuana to attend school.

The superintendent shall develop any administrative procedures necessary to implement this policy and as required by Maine Department of Education Rules.

Legal Reference: Maine 2015 P.L. Ch. 369

Cross Reference: Request/ Permission to Administer Medical Marijuana in School Form

First Reading: February 2, 2016

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