

ADMINISTRATION OF MEDICAL CANNABIS TO QUALIFYING LEARNERS

The School District restricts the administration of medical cannabis during school hours and at school-sponsored activities unless, in accordance with a practitioner's recommendation, administration of medical cannabis cannot reasonably be accomplished outside of school hours or school-sponsored activities.

The District permits learners with a valid registry identification card for medical cannabis under South Dakota law to be administered medical cannabis on school property or at a school-sponsored activity by their parent/guardian or other registered designated caregiver in accordance with this policy and South Dakota law. In order for a parent/guardian or other designated caregiver to administer medical cannabis to a qualifying learner, the District will require the following to be provided initially and thereafter at the beginning of each school year and at any time when the qualifying learner's administration of medical cannabis changes:

- Presentation of the learner's valid State of South Dakota Department of Health approved registry identification card or nonresident card with the State of South Dakota Department of Health's confirmation of registration (a copy of which will be kept by the school in the learner's educational record);
- Presentation of the State of South Dakota Department of Health approved caregiver's card showing his/her status as the registered designated caregiver for the qualifying learner (a copy of which will be kept by the school in the learner's educational record); and
- A written, dated and signed certification by the qualifying learner's recommending practitioner that also includes the dosage, frequency or time of administration, and length of time between doses.

The parent/guardian or other registered designated caregiver is the only person who may provide, administer, or assist the learner with the consumption of medical cannabis. Schools will not store, and school personnel will not administer, medical cannabis.

Administration of medical cannabis to qualifying learners shall be in accordance with this policy. Administration of all prescription and nonprescription medications to learners shall be in accordance with applicable law and the District's policy concerning the administration of medications to learners.

Definitions

The following definitions apply for purposes of this policy:

1. "Designated location" means a location identified in writing by the school district in its sole discretion and may include a location on the grounds of the school in which the learner is enrolled, upon school property in South Dakota, as that term is defined herein, or at a school-sponsored activity in South Dakota.
2. "Permissible form of medical cannabis" means non-smokable products such as oils, tinctures, edible products or lotions that can be administered and fully ingested or absorbed in a short period of time. Patches and other forms of administration that continue to deliver medical cannabis to a qualified learner while at school may be appropriate for learners who receive ongoing adult assistance or on a

case-by-case basis as determined by the district when adequate protections against misuse may be made. Smoking or vaping medical cannabis is strictly prohibited and is not a permissible form of medical cannabis for learners in a school setting under any circumstances.

3. "Designated caregiver" means the qualifying learner's parent, guardian or other responsible adult over twenty- one years of age who is the qualifying learner's registered designated caregiver and who has a caregiver's card approved by the South Dakota Department of Health. In no event shall another learner be recognized as a designated caregiver. A designated caregiver is the only individual permitted to possess and administer to a qualifying learner. Any designated caregiver seeking access to school property or school-sponsored activity for purposes of this policy must comply with the Board's policy and/or procedures concerning visitors to school and all other applicable policies.
4. "School property" means any school premises, vehicle, or building, or on or in any premises, vehicle, or building used or leased for the school district's functions.
5. "Qualifying learner" means a learner who possesses a valid registry identification card approved by the State of South Dakota Department of Health for the use of medical cannabis.
6. "Written certification" means the completed South Dakota Department of Health form dated and signed by a physician who is licensed with authority to prescribe drugs to humans, stating that in his/her professional opinion the patient is likely to receive a therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition or symptom associated with the debilitating medical condition. The document must specify the patient's debilitating medical condition and that it is made in the course of a bona fide practitioner-patient relationship.

Permissible administration of medical cannabis to a qualifying learner

A qualifying learner's designated caregiver may administer a permissible form of medical cannabis to a qualifying learner in a designated location if all of the following parameters are met:

1. The qualifying learner's parent/guardian provides the following to the school before the administration of medical cannabis is allowed on school property or at a school-sponsored activity and thereafter at the beginning of each school year and at any time when the qualifying learner's administration of medical cannabis changes:
 - a. The qualifying learner's valid registry identification card from the State of South Dakota Department of Health or nonresident card with the State of South Dakota Department of Health's confirmation of registration authorizing the learner to receive medical cannabis;
 - b. The completed and signed form JHCDE-E(1) (Medical Cannabis Administration Plan);
 - c. The designated caregiver(s) card approved by the State of South Dakota Department of Health; and
 - d. Written certification dated and signed by the learner's recommending practitioner that also includes the dosage, frequency or time of administration, and length of time between doses.
2. The qualifying learner's parent/guardian provides written notice to the school within ten (10) days of any of the following:
 - a. Change in a designated caregiver;
 - b. The learner ceases to have a debilitating medical condition, as that term is defined in South Dakota law; or
 - c. The registry identification card is void, expired or revoked

3. In the event that a new registry identification card is issued, the qualifying learner's parent/guardian provides the new card to the school district within ten (10) days of the issuance of the card;
4. The qualifying learner's parent/guardian signs the written acknowledgement in Form JHCDE-E(1)(Medical Cannabis Administration Plan) assuming all responsibility for the provision, administration, maintenance, possession, storage and use of medical cannabis under state law, and releases the district from liability for any claim or injury that occurs pursuant to this policy;
5. The qualifying learner's parent/guardian or designated caregiver shall be responsible for providing the permissible form of medical cannabis to be administered to the qualifying learner, shall transport it in a container that meets the packaging and labeling requirements specified by the South Dakota Department of Health, and shall not at any given time possess on school property an amount of medical cannabis that exceeds the qualifying learner's prescribed daily dosage;
6. The district will determine the location and the method of administration of a permissible form of medical cannabis so to not create risk of disruption to the educational environment or exposure to other learners;
7. After administering the permissible form of medical cannabis to the qualifying learner, the learner's designated caregiver shall remove any remaining medical cannabis from the school property or school-sponsored activity; 2
8. The written, dated and signed plan contained in Form JHCDE-E(1)(Medical Cannabis Administration Plan) is prepared that identifies the form, designated location(s), and any protocol regarding administration of a permissible form of medical cannabis to the qualifying learner.

Additional parameters

School personnel, in their role as employees of the school district, will not under any circumstances:

1. Assist a qualifying learner or his/her designated caregiver in obtaining, administering, or using medical cannabis;
2. Store or hold medical cannabis in any form;
3. Ensure the qualifying learner is properly using the medical cannabis as instructed by his/her recommending practitioner; or
4. Serve as the qualifying learner's designated caregiver of medical cannabis.

This policy conveys no right to any learner or to the learner's parents/guardians or other designated caregiver to demand access to any general or particular location on school property or at a school-sponsored activity to administer medical cannabis.

When a school-sponsored activity occurs at another South Dakota public school, the location identified by that school will serve as the designated location for the designated caregiver's administration of medical cannabis.

This policy shall not apply to school property or school-sponsored activities located outside of the state of South Dakota, on federal property or any other location that prohibits cannabis on its property.

Permission to administer medical cannabis to a qualifying learner may be limited or revoked if the qualifying learner and/or the learner's parent/guardian or other designated caregiver violates this policy or demonstrates an inability to responsibly follow this policy's parameters.

No learner is permitted to possess or self-administer medical cannabis. Qualifying learners with a valid registry identification card who possess or self-administer cannabis may be subject to discipline just as any other learner without a valid registry identification card would be. Learner possession, use, distribution, sale or being

under the influence of cannabis inconsistent with this policy may be considered a violation of Board policy concerning drug and alcohol involvement by learners or other Board policy and may subject the learner to disciplinary consequences, including suspension and/or expulsion, in accordance with applicable Board policy.

If the federal government indicates that the District's federal funds will be lost or have been lost by this policy, the Board declares that this policy shall be suspended immediately and that the administration of any form of medical cannabis to qualifying learners on school property or at a school-sponsored event shall not be permitted. The district shall post notice of such policy suspension and prohibition in a conspicuous place on its website.

Legal References: **ARSD 24:80 Medical Cannabis and Schools**
 ARSD 44:90 Medical Cannabis
 SDCL 34-20G Medical Cannabis

Cross References: **GBEC: USE OF ALCOHOL, DRUGS, AND CONTROLLED SUBSTANCES**
 JFCH: ALCOHOL AND OTHER DRUG USE BY LEARNERS
 JHCD: ADMINISTERING MEDICINES TO LEARNERS
 JHCDE-E(1): MEDICAL CANNABIS ADMINISTRATION PLAN

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