

MEMORANDUM

April 16, 2019

TO: The Honorable Chair and Members of The School Board of Miami-Dade County, Florida

FROM: Alberto M. Carvalho, Superintendent of Schools 

SUBJECT: STAFF FOLLOW-UP: SCHOOL BOARD MEETING OF FEBRUARY 13, 2019, AGENDA ITEM H-13, ESTABLISHMENT OF A MEDICAL MARIJUANA POLICY ADDRESSING STUDENT USE

At the School Board meeting of February 13, 2019, the School Board approved Agenda Item H-13, proffered by School Board Member Ms. Lubby Navarro and co-sponsored by School Board Chair Ms. Perla Tabares Hantman, School Board Vice Chair Dr. Martin Karp, and School Board Members Ms. Susie V. Castillo, Dr. Lawrence S. Feldman, Dr. Steve Gallon III, Dr. Marta Pérez, and Ms. Mari Tere Rojas. This item authorized the Superintendent in collaboration with the School Board Attorney to: 1) seek input from appropriate District stakeholders such as the School Health Medical Advisory Committee and the Superintendent's District Advisory Panel for Exceptional Student Education; 2) survey best practices related to medically approved student use of medical marijuana as permitted under § 1006.062, Florida Statutes, and initiate rulemaking proceedings as appropriate; any policy shall include that if at any point in time, the federal government indicates that the District's federal funds may be jeopardized by the policy, that the policy shall be void and that the use of medical marijuana by students will immediately cease and be prohibited (the District shall post notice of such policy suspension and prohibition immediately on the web); and 3) provide a status update to the Board by the April 17, 2019 School Board meeting.

As a follow-up to this item, District staff has collaborated with the School Board Attorney to review the established policies regarding medical marijuana use developed by other Florida school districts and research best practices. In general, the established policies delineate the procedures to be followed by school personnel. The majority of them explicitly prohibit school personnel from administering, storing/holding, or transporting medical marijuana in any form and indicate that the parent/caregiver may administer medications/treatments to their child or a qualified student/patient during the school day. Said parent/caregiver is responsible for safely administering and transporting the medication/treatment to and from school each day.

Most of the policies related to medical marijuana that have been passed by school boards across the state also include specific language indicating that the policy is to be suspended immediately and the administration of any form of medical marijuana will not be permitted should the federal government indicate that the school district's federal funds are in jeopardy due to the established policy on medical marijuana use.

District staff has sought guidance from multiple entities regarding the development of a local policy regarding the use of medical marijuana. This includes the Florida Department of Health's (FDOH) Bureau of Chronic Disease Prevention, which has repeatedly indicated that it will not provide guidance for any school district on the development of such a policy, and the National Council of State Boards of Nursing, which has not established guidelines regarding the administration of medical marijuana in schools.

As delineated within the agenda item, District staff discussed the potential development of a policy regarding the use of medical marijuana in schools with both the School Health Advisory Committee (SHAC) and the Superintendent's District Advisory Panel for Exceptional Student Education. The feedback gathered from these groups thus far further illustrates the complexity of the issue. While some advisory group members noted limitations imposed by federal law as well as the policies/procedures implemented by other school districts, other individuals expressed concern regarding some parents'/caregivers' potential inability to administer medical marijuana to their child during school hours due to conflicts with their work schedules, etc. Staff will continue to present the topic for discussion and share information regarding other school districts' policies and best practices at upcoming meetings to gather final recommendations from each advisory group.

The Department of Comprehensive Student Health Services within School Operations will review the final recommendations from SHAC, the Superintendent's Advisory Panel on Exceptional Student Education, and various other stakeholder groups. Further, staff will continue collaborating with the School Board Attorney's Office and other departments, such as the Office of Risk and Benefits Management and the Office of Human Capital Management, to draft a policy regarding the use of medical marijuana in schools. It is envisioned that this policy will be presented for the Board's consideration in the coming months for potential implementation in time for the start of the 2019-2020 school year.

If you have any questions or need additional information, please contact Mrs. Valtena G. Brown, Deputy Superintendent/Chief Operating Officer, School Operations, at 305 995-2938.

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cc: School Board Attorney
Superintendent's Cabinet
School Board Agenda Office