



SCHOOL BOARD ACTION REPORT

DATE: February 5, 2020
FROM: Denise Juneau, Superintendent
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(206) 252-0067

For Introduction: April 29, 2020
For Action: May 13, 2020

1. TITLE

Approval of new Board Policy No. 3423, Parent/Guardian Administration of Marijuana for Medical Purposes, and amending existing Board Policy No. 5201, Drug-Free Schools, Community & Workplace

2. PURPOSE

This Board Action Report submits new Board Policy No. 3423, Parent/Guardian Administration of Marijuana for Medical Purposes, to the Board for approval in order to meet new requirements in State law and submits an edit to existing Board Policy No. 5201, Drug-Free Schools, Community, & Workplace, to the Board for approval to provide for an exception to use and possession of marijuana-infused products needed as a result of the change in law.

3. RECOMMENDED MOTION

I move that the School Board approve Board Policy No. 3423, Parent/Guardian Administration of Marijuana for Medical Purposes, and amend Board Policy No. 5201, Drug-Free Schools, Community & Workplace, as attached to the Board Action Report.

4. BACKGROUND INFORMATION

• Background

On July 28, 2019 a new state law, RCW 28A.210.325, was made effective which requires school districts to permit a student who meets the requirements of RCW 69.51A.220 to consume marijuana-infused products for medical purposes on school grounds, aboard a school bus, or while attending a school-sponsored event in accordance with the school district's policy adopted under this section.

RCW 69.51A.220 grants authority to health care professionals to authorize the medical use of marijuana to qualifying patients under 18 if the minor's parent/guardian participates in the minor's treatment, agrees to the medical use of marijuana by the minor, and the parent/guardian acts as the designated provider for the minor and has sole control over the minor's marijuana. This authorization may only occur in instances where the provider is treating the patient under 18 for a terminal or debilitating medical condition. In addition, the health care professional must: (1) consult with other health care providers

involved in the minor's treatment, as medically indicated, before authorization or reauthorization of the medical use of marijuana; and (2) reexamine the minor at least once every six months or more frequently as medically indicated. At each reexamination, the professional must: (1) determine that the minor continues to have a terminal or debilitating medical condition and that the condition benefits from the medical use of marijuana; and (2) include a follow-up discussion with the minor's parent or guardian to ensure the parent/guardian continues to participate in the treatment of the minor.

As a result of this new law, the District must adopt a Board Policy which is proposed to be Board Policy No. 3423, Parent/Guardian Administration of Marijuana for Medical Purposes. Additionally, as a result of this change in law, Board Policy No. 5201, Drug-Free Schools, Community & Workplace, needs an exception to permit the possession of a marijuana-infused product by a valid recognition card designated provider parent/guardian visitor and use of a marijuana-infused product by a valid recognition card qualifying patient student.

- **Alternatives**

Not adopt and amend these Board Policies. This is not recommended because the law requires a policy to be put into place and also creates an exception to current Board Policy No. 5201. In addition, the policy will provide helpful guidance for school staff to follow if a parent/guardian requests to provide marijuana-infused products to their student at school.

- **Research**

The amendments to RCW 69.51A.060; the new section in chapter 28A.210 RCW; the new section to chapter 69.51A RCW; and the new section to chapter 28A.300 RCW.

5. FISCAL IMPACT/REVENUE SOURCE

Fiscal impact to this action will be budget neutral.

The revenue source for this motion is N/A.

Expenditure: One-time Annual Multi-Year N/A

Revenue: One-time Annual Multi-Year N/A

6. COMMUNITY ENGAGEMENT

With guidance from the District's Community Engagement tool, this action was determined to merit the following tier of community engagement:

Not applicable

Tier 1: Inform

Tier 2: Consult/Involve

Tier 3: Collaborate

This is primarily an administrative decision of the District because of the legal compliance implications.

7. **EQUITY ANALYSIS**

N/A

For a student to qualify for parent/guardian administration of marijuana-infused products at school, there are several outside factors that must be met prior to this policy being applicable and accessible to any student. Those factors are: the student must suffer from a terminal or debilitating condition, their medical professional believes they may benefit from the use of marijuana-infused products and has consulted with the other providers involved in the student's treatment, their parent/guardian agrees to act as a their designated provider, and the student and parent/guardian obtain recognition cards and keep them current permitting the student to consume and the parent/guardian to possess and administer.

For an equity analysis, a number of elements would require speculation, the forming of a theory or conjecture without firm evidence, to determine whether the ability to access this policy could create a racial inequity for our district. Additionally, at its foundational core, many parents/guardians across racial divides would disagree that accessing this policy and providing minors marijuana-infused products as an alternative to prescribed medication is positive. Many parents/guardians believe that no student should be using a non-FDA approved Schedule I controlled substance. Some of the questions requiring speculation are whether our students of color:

- Have disproportionately less access to medical professionals willing to recommend marijuana-infused products;
- Are less likely to have a parent/guardian in favor of their child using marijuana-infused products; and
- Would be less likely than other students to have a parent/guardian available during the day to administer marijuana-infused products at school.

Due to the amount of speculation required to analyze racial equity in the context of this policy, it is difficult to make an accurate conclusion. What is clear is that this policy will be accessed by few students. When only a few students use a policy, developing an accurate sample size in the future to analyze racial equity will also be very difficult and doing so would lead to inaccurate results.

8. **STUDENT BENEFIT**

The legislature has determined that youthStudents who are suffering from a terminal or debilitating medical condition could and are helped by the consumption of a marijuana-infused product, may realize a greater ability to participate in school and receive the benefits of an education and participation in school athletics and activities. The legislation that put this ability for students into the law was based on evidence provided that minors would realize a benefit from the ~~use~~consumption of marijuana-infused products at school.

9. WHY BOARD ACTION IS NECESSARY

- Amount of contract initial value or contract amendment exceeds \$250,000 (Policy No. 6220)
- Amount of grant exceeds \$250,000 in a single fiscal year (Policy No. 6114)
- Adopting, amending, or repealing a Board policy
- Formally accepting the completion of a public works project and closing out the contract
- Legal requirement for the School Board to take action on this matter
- Board Policy No. _____, [TITLE], provides the Board shall approve this item
- Other: _____

10. POLICY IMPLICATION

Policy No. 5201, Drug-Free Schools, Community, & Workplace
Policy No. 3416, Medication at School

11. BOARD COMMITTEE RECOMMENDATION

This motion was discussed at the Operations Committee meeting on April 8, 2020. The Committee reviewed the motion and moved the item forward with a recommendation for approval by the full Board.

12. TIMELINE FOR IMPLEMENTATION

Upon approval of this motion, the new Board Policy and amended Board Policy will be posted online with the District's Board Policies and impacted school staff will be informed. Namely, school administration will be informed and educated, and school nurses will receive confirmation this new policy will not create an additional duty to be performed.

13. ATTACHMENTS

- Board Policy No. 3423, Parent/Guardian Administration of Marijuana for Medical Purposes (for approval)
- Board Policy No. 5201, Drug-Free Schools, Community & Workplace (Clean for approval)
- Board Policy No. 5201, Drug-Free Schools, Community & Workplace (Tracked changes for reference)
- Superintendent Procedure 3423SP, Parent/Guardian Administration of Marijuana for Medical Purposes (Draft for reference)

	<p>Parent/Guardian Administration of Marijuana for Medical Purposes</p>	<p>Policy No. 3423 [DATE] Page 1 of 2</p>
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It is the policy of the Seattle School Board to permit students with a valid Washington recognition card for medical marijuana under RCW 69.51A.220 to be administered marijuana-infused products on school grounds, aboard a school bus, or while attending a school-sponsored event by their parent/guardian in accordance with this policy and Washington law. Marijuana-infused products are products that contain marijuana or marijuana extracts, are intended for human use, are derived from marijuana, and have a THC concentration no greater than ten percent.

In order for a parent/guardian to administer marijuana-infused products to their student, the school will first verify that the student and parent/guardian meet the statutory requirements by requiring presentation of a valid Washington recognition card for medical marijuana. The parent/guardian of a student meeting the statutory requirements to consume marijuana-infused products for medical purposes on school grounds are the only persons who may provide, administer, or assist the student with the consumption of a marijuana-infused product. Schools will never store, and school staff will never administer, marijuana-infused products.

Under this Policy, a parent/guardian may administer marijuana-infused products, but the smoking or vaping of marijuana is strictly prohibited. After administering a marijuana-infused product to their qualified student, the parent/guardian will remove any remaining marijuana—infused product from school or district grounds, school bus, or school-sponsored event. The district may limit or revoke permission for the parent/guardian of a qualifying student to administer marijuana for medical purposes if the parent/guardian or qualified student violates this Policy or demonstrates an inability to follow this Policy's parameters.

No student is permitted to possess or self-administer marijuana for any purpose including medical. Students with a recognition card who possess or self-administer marijuana may be subject to discipline just as any other student without a recognition card would be.

When a school-sponsored event occurs at another Washington public school, the location identified by that school will serve as the location for parent/guardian administration of a marijuana-infused product. However, school-sponsored events that occur outside the state of Washington or on federal property are not subject to Washington law and cannot be included in the scope of this policy.

The Superintendent or their designee is granted the authority to establish procedures for this Policy to:

- A. Identify a location on school grounds where the parent/guardian can administer the marijuana-infused product to the student, considering the feasibility and the needs for privacy, specifically a location that does not create the risk of disruption to the educational environment or exposure to other students;
- B. Verify the student is authorized to use marijuana for medical purposes and the parent/guardian is acting as the designated provider for the student pursuant to RCW 69.51A.220; and
- C. Address circumstances where a school-sponsored event occurs in a place of public accommodation in Washington.

Adopted: March 2020

Revised:

Cross Reference: Policy No. 3416, Medication at School; Policy No. 5201, Drug-Free Schools, Community, and Workplace

Related Superintendent Procedure:

Previous Policies:

Legal References: RCW 28A.210.325 Medical Use of marijuana-infused products –

Administration by parent or guardian – School districts to develop policies; Chapter 69.51A RCW

Medical Cannabis; RCW 69.50.101 Definitions

Management Resources:

	<p>DRUG-FREE SCHOOLS, COMMUNITY & WORKPLACE</p>	<p>Policy No. 5201 July 5, 2017 Page 1 of 3</p>
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The Board has an obligation to staff, students and citizens to create a safe workplace and learning environment.

“Workplace” is defined to mean the site for the performance of district work, including but not limited to, any school building or any school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; and off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the district.

The Board declares that the following behaviors for all staff, students, vendors, volunteers and visitors are prohibited:

- A. Reporting to the workplace or being on district property under the influence of alcohol, illegal and/or controlled substances, including marijuana (cannabis), which includes smelling alcohol on a person’s breath.
- B. Using, possessing or transmitting illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids, in any amount or in any manner on district property or a district workplace at any time or when involved in a school district activity on or off school district property. Possession of a marijuana-infused product by a valid recognition card designated provider parent/guardian visitor and use of a marijuana-infused product by a valid recognition card qualifying patient student is not prohibited.
- C. Possessing alcohol in a school or district building. Possessing an unopened container of alcohol in a locked motor vehicle is not prohibited.
- D. Having consumed or using alcohol at the workplace or on district property.
- E. Using district property or the person’s position within the district to make or traffic alcohol or controlled substances.
- F. Using, possessing or transmitting illegal and/or controlled substances, including marijuana (cannabis), in a manner that is illegal and/or detrimental to the interest of the district.
- G. Illegal furnishing of alcohol to a student.

Any staff member who is taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of his/her job. If the use of a medication could compromise the safety of the staff member, other staff members, students or the public, it is the staff member's responsibility to use appropriate personnel procedures (e.g., use leave, request change of duty, or notify his/her supervisor of potential side effects) to avoid unsafe workplace practices. If a staff member notifies his/her supervisor that the use of medication could compromise the safe performance of his/her job, the supervisor, in conjunction with the Human Resources Department, will determine whether the staff member can remain at work and whether any work restrictions will be necessary.

Any staff member convicted of a crime attributable to the use, possession, or sale of an illegal and/or controlled substance, including marijuana (cannabis), will be subject to disciplinary action, including immediate termination. Any staff member convicted of a crime attributable to the use, possession or sale of alcohol that impacts their ability to perform the essential functions of their job or to be at work will be subject to disciplinary action, including immediate termination.

As required in the Drug-Free Workplace Act, each employee, as a condition of employment, shall notify his or her supervisor of a conviction under any criminal drug statute violation occurring in the workplace as defined above. Such notification shall be provided no later than five days after such conviction. The district shall inform the federal government within ten days of such conviction, regardless of the source of the information.

Each employee shall be notified of this district policy in new employee materials. Any staff member who violates any aspect of this policy may be subject to disciplinary action, which may include immediate discharge.

The district may notify law enforcement agencies regarding a staff member's violation of this policy at the district's discretion or take other actions as the district deems appropriate.

The district's confidential Employee Assistance Program is available to assist employees with substance abuse issues. The district recognizes that alcoholism and substance abuse are treatable medical conditions and that the use of controlled substances may lead to chemical dependency and may affect an employee's job performance. Therefore, the district offers assessment and referral services through its Employee Assistance Program to employees and their immediate family members seeking confidential assistance. The availability and/or use of these services do not waive the employee's responsibility to comply with Board policies and/or meet expected standards of work performance.

Adopted: October 2011

Revised: January 2014; July 2017; April 2020

Cross Reference: Policy Nos. 4215; 5203; 5230; 5280

Related Superintendent Procedure:

Previous Policies: F07.00; F07.01

Legal References: 41 USC §§ 701-707 Drug Free Workplace Act of Subtitle D 1988 and as amended in 1989; 41 USC § 8103 Drug Free Workplace Requirements for Federal Grant Recipients; 20 USC §§ 7101-7118 Safe and Drug-Free Schools and Communities Act; 21 U.S.C. 812 Controlled Substance Act; RCW 69.50.435 Violations committed on school bus or in or near school grounds or school bus route stop; RCW 69.51A.220 Health care professionals may authorize medical use of marijuana – Qualifying patients under age eighteen; RCW 69.51A.225 Students who qualify for the medical use of marijuana – Consumption of marijuana-infused products on school grounds; RCW 28A.210.325 Medical Use of marijuana-infused products – Administration by parent or guardian – School districts to develop policies

Management Resources: *Policy News*, December 2015 February 2013; December 2011; February 1999

	<p>DRUG-FREE SCHOOLS, COMMUNITY & WORKPLACE</p>	<p>Policy No. 5201 July 5, 2017 Page 1 of 3</p>
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- B. Using, possessing or transmitting illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids, in any amount or in any manner on district property or a district workplace at any time or when involved in a school district activity on or off school district property.
Possession of a marijuana-infused product by a valid recognition card designated provider parent/guardian visitor and use of a marijuana-infused product by a valid recognition card qualifying patient student is not prohibited.
- C. Possessing alcohol in a school or district building. Possessing an unopened container of alcohol in a locked motor vehicle is not prohibited.
- D. Having consumed or using alcohol at the workplace or on district property.
- E. Using district property or the person’s position within the district to make or traffic alcohol or controlled substances.
- F. Using, possessing or transmitting illegal and/or controlled substances, including marijuana (cannabis), in a manner that is illegal and/or detrimental to the interest of the district.
- G. Illegal furnishing of alcohol to a student.

Any staff member who is taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of his/her job. If the use of a medication could compromise the safety of the staff member, other staff members, students or the public, it is the staff member's responsibility to use appropriate personnel procedures (e.g., use leave, request change of duty, or notify his/her supervisor of potential side effects) to avoid unsafe workplace practices. If a staff member notifies his/her supervisor that the use of medication could compromise the safe performance of his/her job, the supervisor, in conjunction with the Human Resources Department, will determine whether the staff member can remain at work and whether any work restrictions will be necessary.

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Each employee shall be notified of this district policy in new employee materials. Any staff member who violates any aspect of this policy may be subject to disciplinary action, which may include immediate discharge.

The district may notify law enforcement agencies regarding a staff member's violation of this policy at the district's discretion or take other actions as the district deems appropriate.

The district's confidential Employee Assistance Program is available to assist employees with substance abuse issues. The district recognizes that alcoholism and substance abuse are treatable medical conditions and that the use of controlled substances may lead to chemical dependency and may affect an employee's job performance. Therefore, the district offers assessment and referral services through its Employee Assistance Program to employees and their immediate family members seeking confidential assistance. The availability and/or use of these services do not waive the employee's responsibility to comply with Board policies and/or meet expected standards of work performance.

Adopted: October 2011

Revised: January 2014; July 2017; [April 2020](#)

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Management Resources: *Policy News*, December 2015 February 2013; December 2011; February 1999

Superintendent Procedure 3423SP

Parent/Guardian Administration of Marijuana for Medical Purposes



Approved by: _____ Date: _____

Denise Juneau, Superintendent

In accordance with RCW 28A.210.325, Seattle School Board permits parents or guardians to administer marijuana-infused products to a student who meets Washington's statutory requirements for medical marijuana while the student is on school grounds, aboard a school bus, or attending a school-sponsored event.

Under circumstances where it is necessary for a student to take medical marijuana during school hours, the district will permit the parent/guardian to administer medical marijuana if the following requirements are met:

- School must familiarize themselves with the Washington State medical marijuana recognition cards (“recognition cards”). See definition below for additional information.
- School will verify that the student and parent/guardian meet the statutory requirements by requiring presentation of valid Washington recognition cards for medical marijuana under RCW 69.51A.220. The student must have a valid recognition card confirming them as “Minor Patient”, and the parent/guardian must have a valid recognition card confirming them as the “Designated Provider”.
- Once status has been verified, parent/guardian must complete “SPS Medical Marijuana Authorization Form” to indicate health care provider information, expiration date of the recognition card, and outlines frequency, time, location, and manner of administration. The “SPS Medical Marijuana Authorization Form” shall be valid until the recognition card(s) expiration date or the end of the current school year, whichever occurs first.
- School will designate a private location in the school building where a parent/guardian can administer the medical marijuana, most often in the nurse’s office or private room in the main office.
- School will maintain a file with the student’s “SPS Medical Marijuana Authorization Form” and copies of both recognition cards.
- School will ensure that any person listed to administer medical marijuana on a student’s “SPS Medical Marijuana Authorization Form” must also be listed in PowerSchool as the student’s parent/guardian.
- Upon arrival at school to administer the medical marijuana to their student, parent/guardian must follow check in procedures and verify identity upon request. School must verify that the recognition cards for student and designated provider are not expired.
- Parent/guardian must carry medical marijuana in child resistant packaging or in the original authorized dispensary container with all warnings, directions, and serving size information intact.

- Parent/guardian must remove all medical marijuana from school campus, school bus, or school field trip immediately following administration. Medical marijuana may not be stored at school.
- Parent/guardian must administer in a way that does not create disruptions to the educational environment or cause other students to be exposed to medical marijuana. The use of medical marijuana by smoking or other methods involving inhalation is prohibited.
- Schools must work with the parent/guardian to establish a process for administration aboard a school bus or while attending a school-sponsored event within Washington State, as needed.

Restrictions, Limitations, and Liability

Medical marijuana-infused products may cause impairment. Students exhibiting signs of intoxication will be removed from class so as not to disrupt the educational environment. Students using medical marijuana under this policy must not drive a personal vehicle or park a vehicle on school or district property.

Students are banned from possession, use, distribution, sale or being under the influence of a marijuana in any manner that is inconsistent with the provisions of this procedural directive for qualified use for medical marijuana. A student who makes a fraudulent representation to a school about their participation in a medical use of marijuana program may be denied permission for future access to medical marijuana in a school setting. Students who possess or self-administer marijuana may be subject to discipline as any other student without a recognition card would be.

A school or the district may not discipline a student who is a qualified student solely on the basis that the student requires medical marijuana as a reasonable accommodation necessary for the student to attend schools.

A copy of this procedure and related policy shall be available online and can be provided to the parent/guardian upon request.

Definitions:

Minor Patient (Student): Patients under the age of 18 who have been diagnosed by a health care professional as having a terminal or debilitating medical condition and have been authorized by that health care provider to receive medical marijuana products. Minor patients are required by law to have a designated provider and to be entered into the medical marijuana database.

Designated Provider: A person who is twenty-one years of age or older and is the parent or guardian of a qualifying patient who is under the age of eighteen; or has been designated by the qualifying patient to purchase, provide or grow marijuana for the patient and has an authorization from the patient's healthcare practitioner. A designated provider can only serve one patient at any one time.

Marijuana-infused products: Products that contain marijuana or marijuana extracts, are intended for human use, are derived from marijuana and have a THC concentration no greater than ten percent. The term "marijuana-infused products" does

not include either useable marijuana (dried marijuana flowers) or marijuana concentrates (products consisting wholly or in part of the resin extracted from any part of the plant Cannabis and having a THC concentration greater than ten percent). Under RCW 28A.210.325, administration of medical marijuana to a student by smoking or other methods involving inhalation while the student is on school grounds, aboard a school bus, or attending a school-sponsored event is prohibited.

Washington State Medical Marijuana Recognition card: A card issued to qualifying patient and designated provider by a marijuana retailer with a medical marijuana endorsement that has entered the qualifying patient and designated provider into the medical marijuana authorization database. Sample cards can be viewed at <https://www.doh.wa.gov/Portals/1/Documents/Pubs/608025.pdf>

For qualifying patients who are under the age of eighteen and their designated providers, recognition cards are valid for six months from the date the health care professional issued the authorization. Qualifying patients may not be reentered into the medical marijuana authorization database until they have been reexamined by a health care professional and determined to meet the definition of qualifying patient. After reexamination, a marijuana retailer with a medical marijuana endorsement must reenter the qualifying patient or designated provider into the medical marijuana authorization database and a new recognition card will then be issued in accordance with department rules.

Resources used for definitions:

OSPI document:

<https://www.k12.wa.us/sites/default/files/public/bulletinsmemos/bulletins2019/B052-19%20Medical%20Marijuana%20Administration%20to%20Students.pdf>

Medical Marijuana resource DOH:

<https://www.doh.wa.gov/YouandYourFamily/Marijuana/MedicalMarijuana/AuthorizationDatabase>

RCW 28A.210.325: <https://app.leg.wa.gov/RCW/default.aspx?cite=28A.210.325>

RCW 69.50.101 Definitions: <https://app.leg.wa.gov/RCW/default.aspx?cite=69.50.101>

RCW 69.51A.010 Definitions:

<https://app.leg.wa.gov/RCW/default.aspx?cite=69.51A.010>

RCW 69.51A.230 Medical marijuana authorization database—Recognition cards:

<https://app.leg.wa.gov/RCW/default.aspx?cite=69.51A.230>

Approved:

Revised:

Cross Reference: School Board Policy No.