

## **Nondiscrimination/Equal Opportunity**

The Board of Education and the District are committed to providing a safe learning and work environment where all members of the school community are treated with dignity and respect. The District and the schools contained within are subject to all federal and state laws and constitutional provisions prohibiting discrimination and harassment on the basis of disability, race, creed, color, sex, sexual orientation, gender identity expression, national origin, religion (or lack thereof), marital status, socioeconomic status, ancestry, or need for special education services.

Discrimination and harassment against employees and applicants for employment based on age and genetic information is also prohibited in accordance with state and/or federal law. In addition, the Board prohibits discrimination and harassment against all members of the school community (students, employees, and members of the public) on the basis of physical characteristics. Respect for the dignity and worth of each individual shall be paramount in the establishment of all policies by the district and in the administration of those policies by the district and in the administration of those policies by the administration.

In keeping with these statements, the following shall be objectives of this school district.

1. To promote the rights and responsibilities of all individuals as set forth in the state and federal constitutions, pertinent legislation and applicable judicial interpretations.
2. To encourage positive experiences in terms of human values for children and adults who have differing personal and family characteristics or who come from various socio-economic, racial and ethnic groups.
3. To consider carefully, and ill decisions made which affect the schools, the potential benefits or adverse consequences that those decisions might have on the human relations aspect of all segments of society.
4. To utilize educational experiences to build each individual's pride in the community in which he or she lives.
5. To initiate a process of reviewing all policies and practices of this school district in order to achieve the objectives of this policy to the greatest extent possible.

The district shall issue a written notice prior to the beginning of each school year that advises students, parents, employees and the general public that the educational programs, activities and employment opportunities offered by the district are offered without regard to disability, race, creed, color, sex, sexual orientation, gender identity expression, national origin, religion (or lack thereof), marital status, socioeconomic status, military or veteran status, ancestry, need for special education services, or physical characteristics.

The notice shall be disseminated to persons with limited English language skills in the person's own language. It shall also be made available to persons who are visually or hearing impaired.

The notice shall appear on a continuing basis in all district media containing general information, including teachers' guides, school publications, recruitment materials, application forms, vacancy announcements, student handbooks, school program notices, summer program newsletters and annual letters to parents.

The aforementioned notices shall include the Name, Title, Address, and Telephone Number of the person(s) designated to coordinate Title IX, Section 504, ADA, and other nondiscrimination compliance activities.

Adopted by the Board: December, 2005  
Revised by the Board: September, 2016  
School District No. 1, Trinidad, Colorado

## **Nondiscrimination/Equal Opportunity**

In compliance with Titles VI & VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination in Employment Act of 1967; the Americans with Disabilities Act and Colorado law, Trinidad School District # 1 does not unlawfully discriminate on the basis of disability, race, creed, color, sex, sexual orientation, gender identity expression, national origin, religion (or lack thereof), marital status, socioeconomic status, military or veteran status, ancestry, need for special education services or physical characteristics in admissions, access to, treatment, or employment in educational programs or activities which it operates.

Grievance procedures for Title IX and Section 504 have been established for students, parents and employees. The following person(s) have been identified as the designated employee(s) to coordinate compliance activities for the district.

As referenced in Policy ACE-E, specific complaints of alleged discrimination under Section 504 or ADA (handicap/disability); and as referenced in Policy JBA-E, specific complaints of alleged discrimination under Title IX (sex) should be referred to:

William Cordova, Title IX Coordinator, 612 Park Street, (School Administration Bldg) Trinidad, Colorado; Ph: 719-846-3324; Fax: 719-846-2957.

Complaints may also be filed with the Office of Civil Rights, Denver Office, U.S. Department of Education, Region VIII, Cesar E. Chavez Memorial Building, `1244 Speer Boulevard, Suite 310, Denver, Co 80204-35082; Ph: 303-844-5695; Fax: 303-844-4303; Email: [OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)

Adopted by the Board: August, 2014

Revised by the Board: September, 2016

# New Sample Policy

File: JLCDB\*

*NOTE: State law requires school districts to allow “primary caregivers” to administer medical marijuana to qualified students on school property, on a school bus or at a school-sponsored event. C.R.S. 22-1-119.3(3)(d)(I). Federal law continues to regard any form of marijuana as an illegal controlled substance. While Colorado school boards are not legally required to adopt a policy on this subject, state law permits local boards of education to adopt a policy regarding “who may act as a primary caregiver” and establishing “reasonable parameters” on the administration and use of medical marijuana on school grounds, on a school bus and at a school-sponsored event. C.R.S. 22-1-119.3 (3)(d)(III). This sample policy contains the policy content/language that CASB believes best meets the intent of the law. CASB strongly recommends that the district consult with its own legal counsel prior to the local board’s adoption of a policy on this issue.*

## Administration of Medical Marijuana to Qualified Students

The Board strives to honor families’ private medical decisions while ensuring a learning environment free of disruption. To accomplish these goals, the district restricts the administration of medications, including medical marijuana, during school hours unless administration cannot reasonably be accomplished outside of school hours.

Administration of medical marijuana to qualified students shall be in accordance with this policy. Administration of all other prescription and nonprescription medications to students shall be in accordance with applicable law and the Board’s policy concerning the administration of medications to students.

### Definitions

For purposes of this policy, the following definitions shall apply:

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 student is enrolled, upon a school bus in Colorado, or at a school-sponsored event in Colorado.
2. “Permissible form of medical marijuana” means nonsmokeable 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 marijuana to a qualified student while at school may be appropriate for students 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. Forms of medical marijuana not included in this definition may be proposed by the qualified student’s primary caregiver to the superintendent, who may authorize such a request after consultation with appropriate medical personnel chosen by the district.

3. "Primary caregiver" means the qualified student's parent, guardian or other responsible adult over eighteen years of age who is identified by the student's parent/guardian as the qualified student's primary caregiver. In no event shall another student be recognized as a primary caregiver. Any primary caregiver seeking access to school or district property, a school bus or school-sponsored event for purposes of this policy must comply with the Board's policy and/or procedures concerning visitors to schools and all other applicable policies.
4. "Qualified student" means a student who holds a valid registration from the state of Colorado (license issued by the Colorado Department of Public Health and Environment) for the use of medical marijuana and for whom the administration of medical marijuana cannot reasonably be accomplished outside of school hours.

### **Permissible administration of medical marijuana to a qualified student**

A qualified student's primary caregiver may administer a permissible form of medical marijuana to a qualified student in a designated location if all of the following parameters are met:

1. The qualified student's parent/guardian provides the school with a copy of the student's valid registration from the state of Colorado authorizing the student to receive medical marijuana;
2. The qualified student's parent/guardian signs a written acknowledgement assuming all responsibility for the provision, administration, maintenance and use of medical marijuana under state law, and releases the district from liability for any injury that occurs pursuant to this policy;
3. The qualified student's parent/guardian or primary caregiver shall be responsible for providing the permissible form of medical marijuana to be administered to the qualified student;
4. The district determines, in its sole discretion, that a location and a method of administration of a permissible form of medical marijuana are available that do not create risk of disruption to the educational environment or exposure to other students;
5. After administering the permissible form of medical marijuana to the qualified student, the student's primary caregiver shall remove any remaining medical marijuana from the grounds of the school, district, school bus or school-sponsored event; and
6. The district prepares, with the input of the qualified student's parent/guardian, a written plan that identifies the form, designated location(s), and any protocol regarding administration of a permissible form of medical marijuana to the qualified student. The written plan shall be signed by the school administrator, the qualified student (if capable) and the qualified student's parent/guardian.

### **Additional parameters**

School personnel shall not administer or hold medical marijuana in any form.

This policy conveys no right to any student or to the student's parents/guardians or other primary caregiver to demand access to any general or particular location on school or district property, a school bus or at a school-sponsored event to administer medical marijuana.

This policy shall not apply to school grounds, school buses or school-sponsored events located on federal property or any other location that prohibits marijuana on its property.

Permission to administer medical marijuana to a qualified student may be limited or revoked if the qualified student and/or the student's primary caregiver violates this policy or demonstrates an inability to responsibly follow this policy's parameters.

Student possession, use, distribution, sale or being under the influence of marijuana inconsistent with this policy may be considered a violation of Board policy concerning drug and alcohol involvement by students or other Board policy and may subject the student 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 are jeopardized by this policy, the Board declares that this policy shall be suspended immediately and that the administration of any form of medical marijuana to qualified students on school property, on a school bus 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.

(Adoption date)

LEGAL REFS.: Colo. Const. Art. XVIII, Section 14 (*establishing qualifications for use of medical marijuana*)  
C.R.S. 22-1-119.3 (3)(c), (d) (*no student possession or self-administration of medical marijuana, but school districts must permit the student's primary caregiver to administer medical marijuana to the student on school grounds, on a school bus or at a school-sponsored event*)  
C.R.S. 22-1-119.3 (3)(d)(III) (*board may adopt policies regarding who may act as a primary caregiver and to establish reasonable parameters on the administration and use of medical marijuana on school grounds, on a school bus or at a school-sponsored event*)

CROSS REFS.: JICH, Drug and Alcohol Involvement by Students  
JKD/JKE, Suspension/Expulsion of Students (and Other Disciplinary Interventions)  
JLCD, Administering Medications to Students  
JLCE, First Aid and Emergency Medical Care

**NOTE:** If the policy's provision for automatic suspension is triggered, the school district must post a statement on its website "in a conspicuous place" regarding its decision not to continue to implement this state law. C.R.S. 22-1-119.3 (3)(d)(IV).

# New Sample Policy

File: JLCDB\*

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6. The district prepares, with the input of the qualified student's parent/guardian, a written plan that identifies the form, designated location(s), and any protocol regarding administration of a permissible form of medical marijuana to the qualified student. The written plan shall be signed by the school administrator, the qualified student (if capable) and the qualified student's parent/guardian.

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# New Sample Exhibit

File: JLCDB\*-E

*NOTE: While Colorado school districts are not required by law to adopt an exhibit on this subject, this exhibit reflects legal requirements school districts must follow. This sample exhibit contains the policy content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.*

## Administration of Medical Marijuana to Qualified Students (Written Plan)

To be completed by the student's parent or guardian

Name of qualified student \_\_\_\_\_

School \_\_\_\_\_ Grade \_\_\_\_\_

Name of student's primary caregiver \_\_\_\_\_

Primary caregiver's phone \_\_\_\_\_

Permissible form of medical marijuana to be administered to the qualified student by the student's primary caregiver \_\_\_\_\_

Administration method to be used by the student's primary caregiver (to assist the school district in determining an appropriate location for administration of medical marijuana to the student) \_\_\_\_\_

Dosage amount \_\_\_\_\_

Proposed times to administer \_\_\_\_\_

By initialing the following paragraphs and signing below, the undersigned parent or guardian hereby acknowledges:

\_\_\_\_\_ I have read and agree to comply with the board's policy regarding the administration of medical marijuana to qualified students.

\_\_\_\_\_ I assume all responsibility for the provision, administration, maintenance and use of medical marijuana to my child.

\_\_\_\_\_ I understand that as soon as I or my designated primary caregiver complete the medical marijuana administration, I or my designated primary caregiver must

remove any remaining medical marijuana from the grounds of the school, district, school bus or school-sponsored event.

\_\_\_\_\_ I understand that the district, with my input, will determine a designated location and any protocols regarding the administration of medical marijuana to my child and that this plan does not allow for the administration of medical marijuana on federal property or any location that prohibits marijuana on its property.

\_\_\_\_\_ I understand that permission to administer medical marijuana in accordance with this plan may be revoked for the failure to comply with the board's policy on the administration of medical marijuana to qualified students or other applicable board policies.

By signing below, I hereby release the \_\_\_\_\_ (*name of school district*) and its personnel from any legal claim which I now have or may hereafter have arising out of the administration of medical marijuana to my child.

Date \_\_\_\_\_

\_\_\_\_\_  
*Signature of parent or guardian*

\_\_\_\_\_  
*Signature of qualified student (if capable)*

To be completed by the school

I have reviewed a copy of the student's registration from the state of Colorado authorizing the student to receive medical marijuana. The expiration date is \_\_\_\_\_.

After receiving input from the student's parent or guardian, I have conditionally approved the student's identified primary caregiver to administer the permissible form of medical marijuana identified above in the following designated location(s):

\_\_\_\_\_  
\_\_\_\_\_.

Such administration shall occur in accordance with the following protocol(s):

\_\_\_\_\_  
\_\_\_\_\_.

Date \_\_\_\_\_

\_\_\_\_\_  
*Name of principal or designee*

\_\_\_\_\_  
*Signature of principal or designee*

(Issue date)