



Resolution: Regarding the importance to provide reasonable accommodations at school for medically fragile children who are certified for medical use of marijuana

Ratified: November 2016

WHEREAS, CannAbility was founded to provide education, support and resources to parents to safely access cannabis treatment for their children living with illness or disability. Hundreds of children with chronic intractable medical conditions are alive and thriving because of their success with medical marijuana (MMJ) treatment. Thus, many of these children are now well enough to attend school and are more able to engage in their education.

WHEREAS, children who are medical marijuana patients are at medical risk at school and being denied access to their education.

WHEREAS, every child is entitled to an education. For children with special needs this right is protected under federal law. The Individuals with Disabilities Education Act (IDEA) requires that schools provide children with disabilities a Free and Appropriate Public Education and that it be provided in the Least Restrictive Environment in which the child can learn. Under IDEA, accommodations must be made for children to attend school with the supports they need in order access their education.

WHEREAS, in 2015, legislators passed Jack's Amendment allowing students holding two valid doctors' recommendations, which were approved by the Colorado Department of Public Health and Environment, to take their medicinal marijuana at school. However, schools chose not to adopt policies for how marijuana medications can be administered and thus, children were being sent home or having their medication, such as patches, stripped off their bodies. A child suffering a life-threatening seizure at school had to be taken off campus to receive life-saving medical intervention if the triaging medication is medicinal marijuana. This practice not only endangered the child's life, it increased the chance they would end up in the emergency room and face other complications with their conditions. Special needs children with high medical needs are at higher risk of experiencing severe medical complications when they are unable to access their medicine to control symptoms during the school day. A child taking MMJ to control seizures must keep a steady level of medication in their system, and must also have access to rescue medication in case of a break-through seizure. Removing these children interfered with their ability to receive their allocated hours of education, to which they are entitled to under the Individuals with Disabilities Education Act. Families still had to choose between access to their child's life-saving medicine and access to their education.

WHEREAS, Jack's Law (Colorado HB 16-1373) was enacted in 2016 to require schools to develop policy for children holding a valid certification to safely receive their medical marijuana at school. Jack's Law prohibits schools from forcing children to leave campus to take their medicine, and protects them from disciplinary action based solely on their accommodation to receive their medical marijuana at school. Children in Colorado no longer have to choose between their life-saving medical marijuana and their education.

WHEREAS, a strategy for accomplishing these objectives was developed at the NFWL 2016 Annual Conference

THEREFORE, BE IT RESOLVED, the members of the National Foundation for Women Legislators will support that children who hold a written certification for the medical use of marijuana under state law may not be denied eligibility to attend school, or school related activities, solely because the child requires medical marijuana in a nonsmokeable form and requires reasonable accommodation necessary for the child to attend school.