

# ACSI Early Education

## Florida Approval Program



### Drug Free School Zones and Marijuana Use

Many states have regulations limiting early learning and care providers' use or possession of illegal drugs while caring for children. It has come to our attention that parents and staff members are presenting medical prescriptions for marijuana at Christian early learning programs. Under federal law, marijuana possession and use remain illegal in the United States, as marijuana is classified as a **Class I controlled substance** under the Controlled Substances Act. According to **21 U.S. Code § 860**, the law imposes increased penalties for drug offenses that occur within 1,000 feet of schools including playgrounds. Possessing illegal drugs within 1,000 ft of a childcare is a felony according to Florida statute 893.13, which means that it is a serious crime with serious punishment, such as imprisonment and expensive fines. It is important to train staff and inform parents of this safety hazard. Children may be harmed directly by either consuming marijuana or being exposed to marijuana smoke. Marijuana use or exposure can interfere with cognitive development and function, decrease reflex time, inhibit good decision-making, and cause lethargy, agitation, vomiting, respiratory issues, or the need for hospitalization. Marijuana intoxication of an educator also affects reaction time and increases the risk of accidents. What should you do to protect your students? Please see below:

1. Provide in-service health and safety training for your staff. To protect the health and safety of children, national standards require staff in early learning programs to receive ongoing health and safety training. In addition, federal law mandates specific health and safety training for staff members who care for children receiving federal financial assistance. Handling, storage, and disposal of hazardous materials and controlled substances would be the topic. Teachers should be trained to recognize and when to report substance abuse.
  - a. Child Welfare Gateway Child Abuse Prevention Guide
  - b. Office of Special Education Ideas That Work
2. Notify parents and staff members of the law. Having illegal drugs in a Drug Free Zone is treated even **more** seriously by the law - this means even more time in jail and more expensive fines. Some states have issued consumer alerts to parents concerning products that are deceptively designed to look like standard snack foods and candy, but actually contain high levels of cannabis and tetrahydrocannabinol (THC). These products — which are illegal and unregulated in most states — can be extremely dangerous to young children. Distribute a flyer that alerts stakeholders to the severity of having toxic or controlled substances within reach of children.
  - a. Safe Schools Flyer
  - b. Substance Abuse and Mental Health Campaign Guide
  - c. DEA Get Smart About Drugs Flyer
  - d. NIH Lesson Plans and Activities
  - e. Growing up Drug Free Flyer
  - f. NY Consumer Alert Deceptive Look Alikes

3. Provide developmentally appropriate instruction for children. Below are lesson plans and activities for children regarding being drug free. Prevention Tips For Every Age- Preschool to 20 Years Old
4. If a parent or staff member appears intoxicated, they should not be on the property or transporting a child. In order to reduce the risk of permanent injury to the child, call another emergency pick-up contact to pick up the child from school and/or notify the authorities if the person is driving under the influence. Educators are mandated reporters, and this should be included in parent and staff orientation. You may distribute materials from your state highway safety department.
5. Update personnel and family manuals which include policies such as:
  - Pre-employment testing for prospective employees as a condition of employment (especially vehicle drivers)
  - Expectations (and discipline) around marijuana use in the workplace (including use before work or coming to work under the influence of drugs or alcohol),
  - What behaviors or events constitute reasonable suspicion of intoxication
  - Expectations around “off-duty” use (zero-tolerance, medical only, or recreational allowed)
  - The authority under which you have the right to subject an employee to a drug test.
  - What kinds of drug testing you will require
  - The repercussions of staff members testing positive for marijuana use, and any exceptions to your program’s policy. Schools usually have a zero-tolerance policy wherein employees are not allowed to use marijuana (medical or recreational); schools with zero-tolerance policies have some form of testing to ensure that employees are in compliance with the policy. The regulations regarding marijuana use and licensing for early childhood programs vary by state, but generally, there are strict limitations in place. For instance, the Illinois Department of Children and Family Services has a policy guide that outlines the limitations on the use of recreational and medical cannabis in child welfare practice. This includes prohibitions on possessing, consuming, and storing cannabis in private residences used to provide licensed or unlicensed childcare, as well as in vehicles and in the presence of persons under 21 years of age.

Additionally, early childhood programs may face questions from staff and families about how to keep children safe at home, especially as more states legalize marijuana. Strategies for talking with families and staff about marijuana use include making child safety a priority by using a nonbiased and strength-based approach. In Michigan, for example, the law does not allow marijuana to be possessed or consumed at early childhood programs or K-12 schools. It’s important to consult local and state childcare licensing regulations for specific guidelines as they can differ significantly from one location to another. You may find regulations by state on the National Childcare Licensing Regulation Database at <https://licensingregulations.acf.hhs.gov/>. Refer to the INSPIRE accreditation standards and Best Practices in Early Education for additional insights regarding student and staff wellbeing.

Standard 3.2 of the ACSI Florida Approval Program standards:

Narcotics, alcohol, or other impairing drugs/paraphernalia must not be present on the premises or in vehicles used by the childcare facility. This is the most serious class of violation (Class 1). The Caring for Our Children (CFOC) national health and safety performance guidelines provide comprehensive health and safety performance standards for early care and education settings. The standards are continually updated to reflect the best evidence, expertise, and experience regarding quality health and safety practices and policies.

While the CFOC guidelines cover a wide range of topics, including staffing, nutrition, and infectious diseases, specific standards related to drug use on school property would fall under the broader category of maintaining a safe environment for children. The guidelines emphasize the importance of creating environments where children can grow and learn in healthy and safe conditions, which would include the prohibition of drug use on school premises.

For detailed information on the standards, including any specific measures related to drug use on school property, you can refer to the full document of the **CFOC National Health and Safety Performance Standards; Guidelines for Early Care and Education Programs, 4th Edition**. This document is a collaborative project of the American Academy of Pediatrics, the American Public Health Association, and the National Resource Center for Health and Safety in Childcare and Early Education. It provides over 650 standards and numerous appendices with valuable supplemental information, forms, and tools to ensure the well-being of children in educational settings.