Standing Up to Teacher Drug Testing

Honolulu, Hawai‘i – During Hawai‘i’s 2006-07 school year, four members of Hawai‘i’s primary group of public education employees, known as Bargaining Unit 5, were arrested for drug-related offenses. While no evidence has been presented that any of these incidents impacted students in any way, some of Hawai‘i’s elected officials nonetheless seized upon the opportunity to leverage our fears for political gain by calling for the random drug testing of educators. Bargaining Unit 5 was at that time deep in contentious contract negotiations. Unable to secure an adequate wage increase, educators now found themselves faced with a deeply troubling offer: accept random drug testing in exchange for a living wage. Following a brief but heated deliberation, the deal was approved by a slight majority. The ACLU is deeply concerned, and plans to challenge this unconstitutional politicization of public education will soon be challenged in court. The Constitution does not allow us to put a price tag on our right to privacy.

The Fourth Amendment of the Bill of Rights protects Americans from unreasonable searches, and Hawai‘i’s state constitution offers an even stronger defense of the right to privacy in certain circumstances. Invasive, embarrassing and unprovoked examination of bodily fluid is a glaring violation of privacy in certain circumstances. Invasive, embarrassing and unprovoked examination of bodily fluid is a glaring violation of privacy in certain circumstances. Invasive, embarrassing and unprovoked examination of bodily fluid is a glaring violation of privacy in certain circumstances. The Fourth Amendment protects the fundamental right to personal privacy.

Random drug testing conveys an abhorrent civics lesson to Hawai‘i’s youth. Students should be taught to cherish and uphold our constitutional rights, including the fundamental right of personal privacy. As obvious role models entrusted with instructing students on the proper role of government and the importance of democracy, educators should not be forced to sign-off on government overreach in return for an adequate paycheck. Rather than help to maintain an effective classroom environment, drug testing will demoralize educators and cause them to lose the respect of their students.

Teachers should be judged by their performance in the classroom, not the bathroom. School administrators already have the ability to discipline and even dismiss problematic employees for legitimate reasons. Imposing random drug tests could very well result in the loss of quality educators who are unwilling to abandon their principles and relinquish their constitutional rights. By keeping our schools both safe and free, we will produce better outcomes and better schools.

To fight this shortsighted mandate, the ACLU is seeking bargaining unit 5 workers as plaintiffs for possible legal action. At the same time we are taking the issue to the public and the media statewide. Join us for a series of public forums featuring Graham Boyd, Director of the ACLU Drug Law Reform Project. Come hear the constitutional perspective on random drug testing, and join the fight for privacy, fairness, and giving our best to our keiki.

Upcoming Statewide Forums

• Weds 10/3: West Oahu, location
• Tue. 10/2: UH Manoa Art Auditorium
• Sat. 9/29: Kona King Kamehameha Hotel, Islander Rm.
• Fri. 9/28: UH Hilo, Campus Center 301
• Thu. 9/27: Maui Comm. College, Library Conf. Room

What You Can Do:

Teachers: Contact the ACLU!
We are actively seeking plaintiffs for legal action in Hawai‘i.
All inquiries are confidential.
1-888-9-JOIN US (564687)
www.aclu.org/teachersjoinus

Contact the ACLU!

Hear Visiting Speaker Graham Boyd of the ACLU Drug Law Reform Project! (All events 5:30 - 7:00PM)
• Thurs. 9/27: Maui Comm. College, Library Conf. Room
• Fri. 9/28: UH Hilo, Campus Center 301
• Sat. 9/29: Kona King Kamehameha Hotel, Islander Rm.
• Mon. 10/1: Kauai Community College, Cafeteria
• Tues. 10/2: UH Manoa Art Auditorium
• Weds 10/3: West Oahu, location

Forum RSVPs: (808)522-5906
email office@acluhawaii.org
Educational Rights of Homeless Children

Team of volunteer attorneys working to ensure needy kids’ access to this special public fund.

- assisting students with enrollment
- helping students to stay at their old school (even if they move out of the area)
- providing transportation to and from school.

The ACLU of Hawai’i legal department is currently working with a pro bono team of attorneys from Lawyers for Equal Justice and the law firm of Alston Floyd Hunt & Ing to conduct education and outreach with the homeless community and their service providers on Hawai’i’s provision of services under the McKinney Vento Act.

If you know of a family experiencing homelessness who is having a hard time meeting the educational needs of their keiki, please contact the ACLU.

If you would like more information on the Act or would like to assist us in our education and outreach efforts, please contact ACLU Staff Attorney Laurie Temple: lt@acluhawaii.org or (808) 522-5905

Get School! Under the McKinney Vento Act, kids don’t have to change schools just because they are experiencing homelessness.

Honolulu, Hawai’i — The McKinney Vento Act protects the educational rights of students experiencing homelessness with the goal of ensuring that children and youth in homeless situations can enroll in, attend and succeed in public school and preschool programs.

The State of Hawai’i receives federal grant money to implement the Act’s mandates, which include

- helping students to stay at their old school (even if they move out of the area)
- providing transportation to and from school.

Since 2000, real estate agent and dedicated civil libertarian Paula Myers has donated a generous portion of her commissions from ACLU referrals to support ACLU of Hawai’i’s Foundation programs. Myers has been active with the local ACLU since 1985 and is a longstanding chair of the Awards Dinner Committee.

Myers factors: Spent Summer of 1965 doing voter registration for the Southern Christian Leadership Conference campaign in Alabama and South Carolina. Myers also contributed a portion of her commissions from her home building business to support the ACLU and other causes.

Email Paula Myers: paula.myers@pruhawaii.com Office: (808)35-4200 Cell: (808)84-0287 Direct: (808)75-4598

When you hire Paula, just mention the ACLU of Hawai’i!

August-September
- Mahalo to Russell Yamashita of the Hawaii Historical Arms Association for donating a table to the ACLU at the recent Gun Show on Oahu.
- Thanks to World Can’t Wait for a table at the UH-Manoa Festival of Resistance.
- Many thanks to Professors Joshua Cooper (ACLU’s campus sponsor for talks at Maui Community College), and ACLU Board Member Ibrahim Aoudi (ACLU’s sponsor at the UH Manoa Art Auditorium)

June-July
- The ACLU Biennial was held in Seattle, WA. The Hawai’i delegation spread the aloha with ‘ono products donated from civil liberties minded local businesses:
  - Allan Ikawa, owner of Hilo’s Big Island Candies shipped in a generous supply of their famous shortbread cookies!

Andrea Quinn, owner & pastry chef, icing on the Cake, Kaua’i donated delicious macaroons.

Cheryl Salazar & Joy Tamaribuchi of Kaua’i Granola supplied bountiful granola bars, sugar cane snacks, dried fruit snacks and more

Kaua’i’s Auntly Likilikai supplied their award-winning “Passion Wasabi Mustard”

A National Day of Action was held in Washington, DC in June. Mahalo to ACLU attorney Al Bronstein for offering his home to Hawai’i ACLUers in DC and to Tsoghig Hekimian for her planning and support!

- The ACLU of Hawai’i Guardians of Liberty and Justice Youth Award was presented to Daniel Coakley and Flora Oh. Mahalo to Committee members Karen Lee, Jiro Arase, Mark Ewald and Esther Solomon, and to Delia L’Heureux, event volunteer.

The State of Hawai’i receives federal grant money to implement the rule of law and close the U.S. detention center at Cuba’s Guantánamo Bay.

Join the ACLU of Hawai’i and our sponsor, the law firm of Paul Johnson Park & Niles for an evening with Hawai’i attorney Edmund Burke who has represented a detainee held without charges for almost five years.

Find out: • what life is like for detainees
• what the Military Commissions Act impacts attorneys’ and their clients

The ACLU of Hawai’i receives federal grant money to help ensure that children and youth in homeless situations can enroll in, attend and succeed with the goal of ensuring that children and youth in homeless situations can enroll in, attend and succeed with the goal of ensuring that children and youth in homeless situations can enroll in, attend and succeed with the goal of ensuring that children and youth in homeless situations can enroll in, attend and succeed with the goal of ensuring that children and youth in homeless situations can enroll in, attend and succeed with the goal of ensuring that children and youth in homeless situations can enroll in, attend and succeed with the goal of ensuring that children and youth in homeless situations can enroll in, attend and succeed with the goal of ensuring that children and youth in homeless situations can enroll in, attend and succeed with the goal of ensuring that children and youth in homeless situations can enroll in, attend and succeed.