

Hawaii attempts random drug tests of teachers

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HONOLULU -- Hawaii public school teachers signed off on first-in-the-nation statewide random drug testing in exchange for pay raises, but now the state claims the educators are trying to take the money and run.

Since the teachers' union approved the pact nearly two years ago, they've accepted the 11 percent boost in pay while fighting the random tests as an illegal violation of their privacy rights. No teacher has been tested.

The showdown over teacher drug testing arose from the highly publicized arrests of six state Education Department employees in unrelated drug cases over a six-month period. One, special education teacher Lee Anzai at Leilehua High School, pleaded guilty to selling more than \$40,000 worth of crystal methamphetamine to an undercover agent.

None of the cases involved drug use in the classroom, and the teachers union argues there are only a few bad apples among the 13,000 teachers in the state's single public school district.

The union says it didn't consent to truly random drug testing in the contract, which says the parties "agree to negotiate reasonable suspicion and random drug and alcohol testing procedures."

The union's definition of "random" is limited to a pool of teachers who go on field trips, work with disabled children, are frequently absent or have criminal records.

"Random testing isn't going to suddenly increase test scores," said Mike McCartney, executive director for the Hawaii State Teachers Association. "This is a huge distraction from how to make our schools better."

The union says it will agree to drug testing in cases where there's a reason to suspect drug use. A failed drug test would result in suspension or termination.

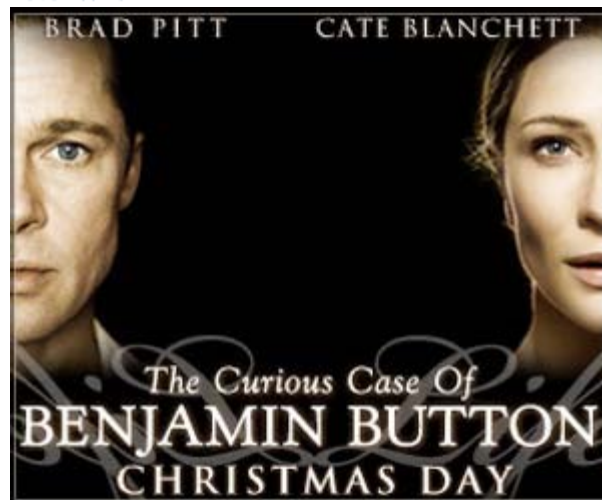
The state government believes teachers are trying to wiggle their way out of the deal.

The issue is awaiting a ruling from the Hawaii Labor Relations Board. In the meantime, the Board of Education has refused to spend money for drug testing, at \$35 per teacher, because its members say those dollars would be better used in the classroom.

"I can't understand why any average Joe, anyone of reasonable mind would object to this. It's good for the schools, teachers and state," said Marie Laderta, director of the Department of Human Resources Development who negotiated the contract. "They're just trying to get out of doing it."

Only a handful of other school districts nationwide require random teacher drug testing of existing employees, many of them in Kentucky. The Hawaii State Teachers Association says only five school districts in the country have implemented random drug testing, but the National Education Association didn't have a count of how many schools randomly test teachers.

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In the Knott County school district in rural eastern Kentucky, one-fourth of teachers have been randomly tested for drugs annually since 2004, when administrators who wanted to drug test students involved in extracurricular activities decided to hold teachers to the same standard.

"The teachers didn't like the random part at first. Suspicionless testing is what they were concerned about," said William Madden, director of pupil personnel for the seven-school, 2,570-student district. "It's going real well. Everyone is accepting it."

The Knott County testing started after a federal judge ruled that drug testing without suspicion of use had been upheld in a previous case in Knox County, Tenn. However, the Knox County case dealt with testing when teachers were hired rather than continuous, random testing of all teachers. Today, Knox County does not randomly test its existing teachers.

Hawaii's Republican Gov. Linda Lingle sought random teacher drug testing after the spate of teacher arrests. The state could not produce evidence teacher drug use is on the rise.

"There were a few cases all at once, and that's why the issue came about," said Dana Shishido, a third-grade teacher at Wheeler Elementary School who opposes random testing. "It was insulting to look at the pay raise, and that it had to come tied to the issue of random drug testing."

The teachers approved the contract in April 2007 with a vote of 61 percent in favor. By January, when they receive some of the pay hikes, the starting annual pay for new teachers will be \$43,157, and teachers with more than 33 years of experience will earn \$79,170 a year.

"Few if any teachers test positive because it's not something that people who go into teaching do. It's not part of the teaching culture," said [Michael Simpson](#), assistant general counsel for the National Education Association. "It's an expensive program, and the money can be better spent reducing class sizes or providing needed resources."

About 4 percent of teachers nationwide reported using illegal drugs, among the lowest rates of any profession, according to a 2007 study from the Substance Abuse and Mental Health Administration, an agency within the Health and Human Services Department. The federal study found the overall drug usage rate among full-time workers was 8.2 percent.

Honolulu city workers, including trash collectors, treatment plant workers and groundskeepers, agreed to random drug testing earlier this year. Those with commercial driver's licenses and first responders like police, paramedics and firefighters also must consent to random testing.

Regardless of the labor relations board's decision, the debate may end up in court. The American Civil Liberties Union has said it plans to sue the state claiming the program violates privacy rights, costs taxpayers too much money and does little to curb drug use.

Hawaii has some of the strictest privacy protections in the nation written into the state constitution, and those rights would have to be weighed against the force of a binding contract approved by a majority vote.

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