

JAN 21 2022

A BILL FOR AN ACT

RELATING TO DEPARTMENT OF EDUCATION RESIDENCY REQUIREMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that given expanding
2 telework options and infrastructure, the hiring of entirely
3 remote professionals for certain positions within the department
4 of education has the potential to satisfy critical hiring needs
5 in a fiscally prudent manner. This is particularly applicable
6 to positions in the areas of information technology and online
7 learning, as well as other highly specialized positions.

8 The purpose of this Act is to help satisfy critical hiring
9 needs in a fiscally prudent manner by exempting certain
10 department of education employees from the state residency
11 requirement under section 78-1, Hawaii Revised Statutes.

12 SECTION 2. Section 78-1, Hawaii Revised Statutes, is
13 amended by amending subsection (f) to read as follows:

14 "(f) This section shall not apply to persons recruited and
15 employed by the University of Hawaii under the authority of
16 section ~~[+]304A-1001[+]~~ and persons recruited and employed by



1 the department of education under the authority of section
2 302A- ."

3 SECTION 3. Chapter 302A, part III, subpart B, Hawaii
4 Revised Statutes, is amended by adding a new section to be
5 appropriately designated and to read as follows:

6 "§302A- Personnel exempt from state residency
7 requirement. (a) The department of education may recruit and
8 employ professionals without regard to section 78-1(c) only if:

9 (1) The superintendent determines that the position is
10 capable of being performed entirely remotely and
11 provides to the board the factual basis for this
12 determination;

13 (2) The superintendent determines that the position is a
14 critical hiring need of the department and provides to
15 the board the factual basis for this determination;

16 (3) The superintendent determines that an exemption from
17 the state residency requirement under section 78-1(c)
18 is in the fiscal interests of the department and
19 provides to the board the factual basis for this
20 determination; and



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1 (4) The board, in its discretion and by a majority of its
2 members, approves the exemption request."

3 SECTION 4. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: Michelle H. Kedari



S.B. NO. 2183

Report Title:

Department of Education; Residency Requirement; Exemption;
Telework

Description:

Exempts certain Department of Education employees from state
residency requirement under certain circumstances.

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not legislation or evidence of legislative intent.*

