
A BILL FOR AN ACT

RELATING TO DEPARTMENT OF EDUCATION RESIDENCY REQUIREMENTS.

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

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

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

SECTION 2. Chapter 302A, part III, subpart B, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§302A- Personnel exempt from state residency requirement. Beginning July 1, 2022, the department may recruit



1 and employ professionals for services contracted outside of the
2 State without regard to section 78-1(c); provided that:

3 (1) The superintendent determines that the position is
4 capable of being performed entirely remotely and
5 provides to the board the factual basis for this
6 determination;

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

10 (3) The superintendent determines that an exemption from
11 the state residency requirement under section 78-1(c)
12 is in the fiscal interests of the department and
13 provides to the board the factual basis for this
14 determination;

15 (4) The board, in its discretion and by a majority of its
16 members, approves the exemption request; and

17 (5) This exemption shall not apply to teachers."

18 SECTION 3. Section 78-1, Hawaii Revised Statutes, is
19 amended by amending subsection (f) to read as follows:

20 "(f) This section shall not apply to persons recruited and
21 employed by the University of Hawaii under the authority of



1 section ~~[+]304A-1001[+]~~ and persons recruited and employed by
2 the department of education under the authority of section
3 302A- ."

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 Statutory material to be repealed is bracketed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

6 SECTION 5. This Act shall take effect on July 1, 2051.



Report Title:

Department of Education; Residency Requirement; Exemption;
Telework

Description:

Exempts certain department of education employees from the state
residency requirement under certain circumstances. Effective
7/1/2051. (HD1)

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not legislation or evidence of legislative intent.*

