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

15 "§302A- Personnel exempt from state residency
16 requirement. (a) The department of education may recruit and
17 employ professionals under this section, without regard to



1 section 78-1(c), only for services that are contracted outside
2 of the State as of July 1, 2022, and only if:

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; and

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

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

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



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

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 Statutory material to be repealed is bracketed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.



Report Title:

Department of Education; Residency Requirement; Exemption;
Telework

Description:

Exempts certain Department of Education employees from state
residency requirement under certain circumstances. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is
not legislation or evidence of legislative intent.*

