
HOUSE CONCURRENT RESOLUTION

AFFIRMING THAT THE LEGISLATIVE INTENT OF SECTION 302A-1116,
HAWAII REVISED STATUTES, IS TO AUTHORIZE THE DEPARTMENT OF
EDUCATION TO CREATE SUBSTANTIVELY TEMPORARY POSITIONS ONLY.

1 WHEREAS, to ensure oversight, fiscal accountability, and
2 transparency in the establishment and continuation of government
3 employment, the Legislature has established robust processes
4 requiring the review and approval of state positions; and
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6 WHEREAS, recognizing, however, that unforeseen
7 circumstances, such as natural disasters or global pandemics,
8 may necessitate the expedient establishment of short-term
9 positions to address critical issues, the Legislature also
10 established simplified pathways for certain state departments to
11 create temporary positions; and
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13 WHEREAS, these pathways afford state departments the
14 flexibility to act in the public interest and achieve their
15 mandates while maintaining legislative oversight of permanent
16 employment; and
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18 WHEREAS, this was the legislative intent for enacting
19 section 302A-1116, Hawaii Revised Statutes, which provides that
20 the Department of Education may only establish necessary
21 temporary positions if its expenditures do not exceed its
22 allocated budget, the term of each position does not exceed one
23 year, and the Department reports the positions to the Department
24 of Budget and Finance; and
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26 WHEREAS, despite the legislative intent and embedded
27 stipulations, the Department of Education in 2026 renewed
28 multiple Superintendent-level positions established pursuant to
29 section 302A-1116, Hawaii Revised Statutes, for a second
30 consecutive one-year term, due to the lack of an explicit
31 statutory prohibition against renewal; and



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2 WHEREAS, this interpretation of the statute is harmful, as
3 the Department of Education could perpetually renew positions in
4 one-year increments, effectively nullifying existing statutory
5 safeguards for legislative scrutiny, and is inconsistent with
6 the purpose of the statute and the overall statutory scheme of
7 laws pertaining to the Department of Education that ensure
8 legislative oversight, fiscal accountability, and transparency;
9 now, therefore,

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11 BE IT RESOLVED by the House of Representatives of the
12 Thirty-third Legislature of the State of Hawaii, Regular Session
13 of 2026, the Senate concurring, that this body affirms that the
14 legislative intent of section 302A-1116, Hawaii Revised
15 Statutes, is to authorize the Department of Education to create
16 substantively temporary positions only; and

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18 BE IT FURTHER RESOLVED that the Department of Education is
19 urged to act in accordance with the law and legislative intent
20 by not renewing one-year appointments authorized pursuant to
21 section 302A-1116, Hawaii Revised Statutes, for additional
22 terms; and

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24 BE IT FURTHER RESOLVED that certified copies of this
25 Concurrent Resolution be transmitted to the Chairperson of the
26 Board of Education, Superintendent of Education, and Attorney
27 General.

