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# 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.*

