



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Date:** 03/02/2022

**Time:** 09:30 AM

**Location:** CR 211 & Videoconference

**Committee:** Senate Judiciary  
Senate Ways and Means

**Department:** Education

**Person Testifying:** Keith T. Hayashi, Interim Superintendent of Education

**Title of Bill:** SB 2183, SD1 RELATING TO DEPARTMENT OF EDUCATION RESIDENCY REQUIREMENTS.

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

**Department's Position:**

The Hawaii State Department of Education (Department) would like to provide comments on SB 2183, SD1, which exempts certain Department employees from state residency requirements under certain circumstances.

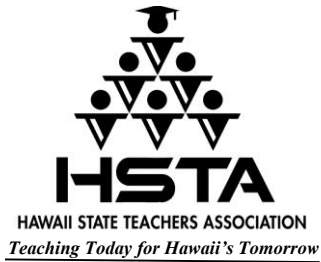
This bill will allow the Department to expand its recruitment efforts to include qualified applicants from out-of-state who are unable to live in Hawaii.

The Department will require guidance from the relevant state agencies to determine and clarify how the proposed language will affect the Department as the employer of an out-of-state employee in terms of labor, employment, and tax laws (including, but not limited to, health, retirement, unemployment, and worker's compensation insurance).

The Department appreciates your continued support during these unprecedented times as we work together to address our vacancies.

Thank you for the opportunity to provide comments on this measure.





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Osa Tui, Jr.  
President

Logan Okita.  
Vice President

Lisa Morrison  
Secretary-Treasurer

Wilbert Holck  
Executive Director

TESTIMONY BEFORE THE SENATE COMMITTEES ON WAYS & MEANS  
AND THE COMMITTEE ON JUDICIARY

RE: SB 2183, SD1 - RELATING TO DEPARTMENT OF EDUCATION  
RESIDENCY REQUIREMENTS

WEDNESDAY, MARCH 2, 2022

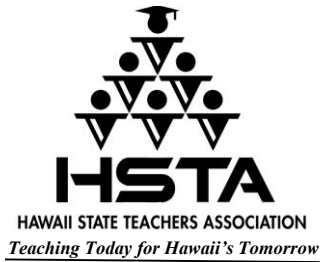
OSA TUI, JR., PRESIDENT  
HAWAII STATE TEACHERS ASSOCIATION

Chair Dela Cruz, Chair Rhoads, and Members of the Committees:

The Hawaii State Teachers Association **opposes SB 2183, SD1**, relating to Department of Education Residency Requirements. This bill will exempt certain DOE employees from state residency requirements under certain circumstances.

**We thank the previous committee for trying to amend this bill, but we still need to oppose it, as it has come to our attention that some virtual “teachers” are being hired who actually live in another state. That is not o.k. with us. Employees of the Department of Education should be state employees, with the protections and benefits afforded to us as state employees.** It is still unclear why this bill is necessary when, Hawai‘i already has on its shores licensed teachers who can do this work, and have even requested to be virtual teachers. Yes, we have some who are, but shouldn’t they all be?

**It is also unclear to us what contracts the DOE currently has with entities elsewhere as this list has not been shared with us. Why would they need these contracts? Do those type of workers not exist in Hawai‘i? It seems unlikely. Maybe for some, but without us knowing what those contracts are, it is very hard for us to say. We have actually been pushing for the HIDEOE to do LESS contracting, especially in regards to curriculum, testing, etc. as we have experts in Hawai‘i, our teachers, and other state employees, that are quite capable of doing this work.** Our licensed teachers have been pushing for more remote/virtual teaching since early on in the COVID-19 pandemic. It is the DOE that was originally slow to pivot. And yet the Department insisted on in-classroom learning when the real threat of COVID-19 Omicron and other potential variants remained. **Why would the state need to make an exception of Department of Education employees not being state residents? This would**



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**be a slippery slope for all other state workers. We cannot agree to this bill at all.**

**Amendments to the residency requirements aside, any teachers targeted for recruitment from the mainland still need to be licensed.** HRS §302A-805 requires that:

No person shall serve as a half-time or full-time teacher in a public school without first having obtained a license from the board under this subpart.

It appears this bill is also in conflict with Hawai'i Administrative Rules for the Hawai'i Teacher Standards Board.

As Hawai'i schools struggle to attract and hire teachers for our classrooms, while the DOE continues to resist distance learning, this bill strikes us as unnecessary and contributes to a scattershot approach to teacher recruitment and standards, §8-54-3.1 Penalties:

(a) Any person who engages in the profession of teaching as a classroom teacher, school librarian or school counselor in a public school without first being issued a license shall be fined \$500 per school year.

(b) Any employer who knowingly or intentionally violates this chapter by employing an individual as a public school classroom teacher, school librarian or school counselor who does not possess a valid license may be fined \$500 per school year.

To support our teachers, and other state workers, right here in Hawai'i and signal a continued commitment to strengthening public education, and other state offices, the Hawaii State Teachers Association asks your committee to **oppose this bill.**

**SB-2183-SD-1**

Submitted on: 2/27/2022 7:01:33 PM

Testimony for JDC on 3/2/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Gerard Silva	Individual	Oppose	No

Comments:

If they don't Have residence they do not belong Here. Get ride of them we should not be paying for illegals period or people that come form out of state.!!