

**RCW 28A.150.222 School days per year waiver.** (1) In addition to waivers authorized under RCW 28A.300.750, the superintendent of public instruction, in accordance with the criteria in subsection (2) of this section and criteria adopted by the state board of education under subsection (3) of this section, may grant waivers of the requirement for a 180-day school year under RCW 28A.150.220 to school districts that propose to operate one or more schools on a flexible calendar for purposes of economy and efficiency as provided in this section. The requirement under RCW 28A.150.220 that school districts offer minimum instructional hours may not be waived.

(2) A school district seeking a waiver under this section must submit an application to the superintendent of public instruction that includes:

(a) A proposed calendar for the school day and school year that demonstrates how the instructional hour requirement will be maintained;

(b) An explanation and estimate of the economies and efficiencies to be gained from compressing the instructional hours into fewer than 180 days;

(c) An explanation of how monetary savings from the proposal will be redirected to support student learning;

(d) A summary of comments received at one or more public hearings on the proposal and how concerns will be addressed;

(e) An explanation of the impact on students who rely upon free and reduced-price school child nutrition services and the impact on the ability of the child nutrition program to operate an economically independent program;

(f) An explanation of the impact on employees in education support positions, including expected position and work hour reductions, reductions in force, and the loss of work benefits or eligibility for work benefits, and the ability to recruit and retain employees in education support positions;

(g) An explanation of the impact on students whose parents work during the missed school day; and

(h) Other information that the superintendent of public instruction may request to assure that the proposed flexible calendar will not adversely affect student learning.

(3) The state board of education shall adopt rules establishing the criteria to evaluate waiver requests under this section. A waiver may be effective for up to three years and may be renewed for subsequent periods of three or fewer years. After each school year in which a waiver has been granted under this section, the superintendent of public instruction must analyze empirical evidence to determine whether the reduction is affecting student learning. If the superintendent of public instruction determines that student learning is adversely affected, the school district must discontinue the flexible calendar as soon as possible but not later than the beginning of the next school year after the superintendent of public instruction's determination.

(4) The superintendent of public instruction may grant waivers authorized under this section to 30 or fewer school districts with student populations of less than 1,000 students. [2024 c 238 s 1; 2019 c 274 s 1; 2018 c 177 s 503.]

**Effective date—2019 c 274:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or

support of the state government and its existing public institutions,  
and takes effect immediately [May 7, 2019]." [2019 c 274 s 2.]

**Effective dates—2018 c 177 ss 201, 202, 501-504, 507, and 701:**

"(1) Sections 201, 202, 501, 503, 504, and 701 of this act take effect  
January 1, 2019.

(2) Sections 502 and 507 of this act take effect June 30, 2019."  
[2018 c 177 s 705.]

**Finding—Intent—2018 c 177:** See note following RCW 28A.305.905.