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SENATE BILL NO. 739

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Petersen
on February 8, 2022)

(Patron Prior to Substitute—Senator Dunnavant)

A BILL to amend the Code of Virginia by adding a section numbered 22.1-2.1, relating to public elementary and secondary schools and public school-based early childhood care and education programs; student instruction.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-2.1 as follows:

§ 22.1-2.1. Provision of in-person instruction.

A. As used in this section, "in-person instruction" means instructional interaction between teachers and students that occurs in person and in real time. "In-person instruction" does not include the act of proctoring remote online learning in a classroom.

B. Except as otherwise permitted in subdivision C 4 of § 22.1-98 or Article 3 (§ 22.1-276.01 et seq.) of Chapter 14, each school board shall offer in-person instruction to each student enrolled in the local school division in a public elementary and secondary school for at least the minimum number of required annual instructional hours and to each student enrolled in the local school division in a public school-based early childhood care and education program for the entirety of the instructional time provided pursuant to such program.

C. Notwithstanding any other provision of law or any regulation, rule, or policy implemented by a school board, school division, school official, or other state or local authority, the parent of any child enrolled in a public elementary or secondary school, or in any school-based early childhood care and education program, may elect for such child to not wear a mask while on school property. A parent making such an election shall not be required to provide a reason or any certification of the child's health or education status. No student shall suffer any adverse disciplinary or academic consequences as a result of this parental election.