

2021 SPECIAL SESSION I

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SB1303ER

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to require each school board to offer in-person instruction to students enrolled in the local
3 school division; exceptions permitted.

4 [S 1303]
5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 1. § 1. As used in this act:
8 "In-person instruction" means any form of instructional interaction between teachers and students
9 that occurs in person and in real time.

10 "In-person instruction" does not include the act of proctoring remote online learning in a classroom.

11 § 2. Each school board shall offer in-person instruction to each student enrolled in the local school
12 division in a public elementary and secondary school for at least the minimum number of required
13 instructional hours and to each student enrolled in the local school division in a public school-based
14 early childhood care and education program for the entirety of the instructional time provided pursuant
15 to such program. For the purposes of this act, each school board shall (i) adopt, implement, and, when
16 appropriate, update specific parameters for the provision of in-person instruction and (ii) provide such
17 in-person instruction in a manner in which it adheres, to the maximum extent practicable, to any
18 currently applicable mitigation strategies for early childhood care and education programs and
19 elementary and secondary schools to reduce the transmission of COVID-19 that have been provided by
20 the federal Centers for Disease Control and Prevention.

21 § 3. Notwithstanding the provisions of § 2 of this act:

22 1. If a local school board determines, in collaboration with the local health department and in strict
23 adherence to "Step 2: Determine the Level of School Impact" in the Department of Health's Interim
24 Guidance to K-12 School Reopening or any similar provision in any successor guidance document
25 published by the Department of Health, that the transmission of COVID-19 within a school building is
26 at a high level, the local school board may provide fully remote virtual instruction or a combination of
27 in-person instruction and remote virtual instruction to the at-risk groups of students indicated as the
28 result of such collaboration or, if needed, the whole student population in the school building, but in
29 each instance only for as long as it is necessary to address and ameliorate the level of transmission of
30 COVID-19 in the school building.

31 2. Any local school board may, for any period during which the Governor's declaration of a state of
32 emergency due to the COVID-19 pandemic is in effect, provide fully remote virtual instruction to any
33 enrolled student upon the request of such student's parent, guardian, or legal custodian.

34 3. Any local school board may permit any teacher who is required to isolate as the result of a
35 COVID-19 infection and any teacher who is required to quarantine as the result of exposure to another
36 individual with a COVID-19 infection to teach from a remote location and in a fully virtual manner for
37 the duration of such period of isolation or quarantine, consistent with the mitigation strategies as set
38 forth in § 2 of this act.

39 4. Any teacher or other school staff member who is permitted to perform any job function from a
40 remote location or in a fully virtual manner as a reasonable accommodation pursuant to Title I of the
41 Americans with Disabilities Act of 1990 (42 U.S.C. § 12111 et seq.) shall be permitted to continue to
42 perform any such job function in such a manner.

43 § 4. The Department of Education shall establish benchmarks for successful virtual learning and
44 guidelines for providing interventions to students who fail to meet such benchmarks and for transitioning
45 such students back to in-person instruction.

46 § 5. All teachers and school staff shall be offered access to receive an approved COVID-19
47 vaccination through their relevant local health district.

48 2. That in order to facilitate the implementation of § 3 of the first enactment of this act, the
49 Department of Health shall maintain a guidance document for K-12 school reopening that contains
50 metrics for determining whether transmission of COVID-19 within public school buildings is at a
51 low, medium, or high level.

52 3. That the provisions of this act shall expire on August 1, 2022.