

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 22.1-2.1, relating to public*  
3 *elementary and secondary schools and public school-based early childhood care and education*  
4 *programs; student instruction; emergency.*

5 [S 739]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That the Code of Virginia is amended by adding a section numbered 22.1-2.1 as follows:**9 **§ 22.1-2.1. Provision of in-person instruction.**10 *A. As used in this section, "in-person instruction" means instructional interaction between teachers*  
11 *and students that occurs in person and in real time. "In-person instruction" does not include the act of*  
12 *proctoring remote online learning in a classroom.*13 *B. Except as otherwise permitted in subdivision C 4 of § 22.1-98 or Article 3 (§ 22.1-276.01 et seq.)*  
14 *of Chapter 14, each school board shall offer in-person instruction to each student enrolled in the local*  
15 *school division in a public elementary and secondary school for at least the minimum number of*  
16 *required annual instructional hours and to each student enrolled in the local school division in a public*  
17 *school-based early childhood care and education program for the entirety of the instructional time*  
18 *provided pursuant to such program.*19 *C. Notwithstanding any other provision of law or any regulation, rule, or policy implemented by a*  
20 *school board, school division, school official, or other state or local authority, the parent of any child*  
21 *enrolled in a public elementary or secondary school, or in any school-based early childhood care and*  
22 *education program, may elect for such child to not wear a mask while on school property. A parent*  
23 *making such an election shall not be required to provide a reason or any certification of the child's*  
24 *health or education status. No student shall suffer any adverse disciplinary or academic consequences as*  
25 *a result of this parental election. Nothing in this section shall be construed to affect the Governor's*  
26 *authority under Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 to accomplish the purposes of such chapter*  
27 *with regard to a communicable disease of public health threat as defined in § 44-146.16.*28 **2. That each local school division must comply with the provisions of subsection C of § 22.1-2.1 of**  
29 **the Code of Virginia, as created by this act, no later than March 1, 2022.**30 **3. That an emergency exists and this act is in force from its passage.**

REENROLLED

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