

2022 SESSION

SB 739 Public elementary and secondary schools, etc.; student instruction.

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SUMMARY AS ENACTED WITH GOVERNOR'S RECOMMENDATION: (all summaries)

Public elementary and secondary schools and public school-based early childhood care and education programs; student instruction; masks; emergency. Requires, except in the case of the 10 unscheduled remote learning days otherwise permitted by law or in certain cases of student discipline, each school board to offer in-person instruction, as defined in the bill, to each student enrolled in the local school division in a public elementary or 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. The bill permits, 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, to elect for such child to not wear a mask while on school property. The bill provides that no parent making such an election shall be required to provide a reason or any certification of the child's health or education status and no student shall suffer any adverse disciplinary or academic consequences as a result of this parental election. The bill requires each local school division to comply with the foregoing provisions relating to masks no later than March 1, 2022. The bill clarifies that none of the foregoing provisions shall be construed to affect the authority granted to the Governor to achieve the purposes of relevant emergency services and disaster law with regard to a communicable disease of public health threat. The bill contains an emergency clause.

FULL TEXT

[01/21/22 Senate: Presented and ordered printed 22104603D](#) pdf | impact statement

[02/08/22 Senate: Floor substitute printed 22106287D-S1 \(Petersen\)](#) pdf | impact statement

[02/14/22 Senate: Bill text as passed Senate and House \(SB739ER\)](#) pdf | impact statement

[02/16/22 Senate: Reenrolled bill text \(SB739ER2\)](#) pdf

[02/16/22 Governor: Acts of Assembly Chapter text \(CHAP0002\)](#) pdf

AMENDMENTS

[House committee, floor amendments and substitutes offered](#)

[Senate committee, floor amendments and substitutes offered](#)

[House amendments not adopted](#)

[Senate amendments](#)

[Senate amendments not adopted](#)

[Governor's recommendation](#)

HISTORY

[01/21/22 Senate: Presented and ordered printed 22104603D](#)

[01/21/22 Senate: Referred to Committee on Education and Health](#)

[01/25/22 Senate: Assigned Education sub: Public Education](#)

[02/03/22 Senate: Reported from Education and Health with amendments \(9-Y 6-N\)](#)

[02/04/22 Senate: Constitutional reading dispensed \(35-Y 0-N\)](#)

[02/07/22 Senate: Passed by for the day](#)

[02/08/22 Senate: Floor substitute printed 22106287D-S1 \(Petersen\)](#)

[02/08/22 Senate: Read second time](#)

[02/08/22 Senate: Committee amendments rejected](#)

[02/08/22 Senate: Reading of substitute waived](#)

02/08/22 Senate: Substitute by Senator Petersen agreed to (29-Y 9-N)

02/08/22 Senate: Title replaced 22106287D-S1

02/08/22 Senate: Engrossed by Senate - floor substitute SB739S1

02/09/22 Senate: Read third time and passed Senate (21-Y 17-N)

02/10/22 House: Placed on Calendar

02/10/22 House: Read first time

02/10/22 House: Referred to Committee on Education

02/11/22 House: Reported from Education (12-Y 10-N)

02/13/22 House: Read second time

02/14/22 House: Read third time

02/14/22 House: Passed by temporary motion rejected

02/14/22 House: Amendment by Delegate Rasoul rejected (48-Y 52-N)

02/14/22 House: VOTE: Rejected (48-Y 52-N)

02/14/22 House: Amendment by Delegate Simon rejected (48-Y 52-N)

02/14/22 House: VOTE: Rejected (48-Y 52-N)

02/14/22 House: Pending question ordered

02/14/22 House: Passed House (52-Y 48-N)

02/14/22 House: VOTE: Passage (52-Y 48-N)

02/14/22 Senate: Enrolled

02/14/22 Senate: Bill text as passed Senate and House (SB739ER)

02/14/22 Senate: Signed by President

02/14/22 House: Signed by Speaker

02/14/22 House: Enrolled Bill communicated to Governor on February 14, 2022

02/14/22 Governor: Governor's Action Deadline 11:59 p.m., February 21, 2022

02/14/22 Senate: Governor's recommendation received by Senate

02/15/22 Senate: Senate concurred in Governor's recommendation #1, 3, and 4 (21-Y 19-N)

02/15/22 Senate: Senate concurred in Governor's recommendation #2 (39-Y 0-N)

02/16/22 House: Amendments specific and severable

02/16/22 House: House concurred in Governor's recommendation #1, 3 and 4 (52-Y 48-N)

02/16/22 House: VOTE: Adoption (52-Y 48-N)

02/16/22 House: House concurred in Governor's recommendation #2 (77-Y 23-N)

02/16/22 House: VOTE: Adoption (77-Y 23-N)

02/16/22 Governor: Emergency clause added by Governor's recommendation

02/16/22 Governor: Governor's recommendation adopted

02/16/22 Senate: Reenrolled

02/16/22 Senate: Reenrolled bill text (SB739ER2)

02/16/22 Senate: Signed by President as reenrolled

02/16/22 House: Signed by Speaker as reenrolled

02/16/22 House: Enacted, Chapter 2 (effective 2/16/21)

02/16/22 Governor: Acts of Assembly Chapter text (CHAP0002)