



2021 SENATE BILL 1011

February 18, 2022 - Introduced by Senators KAPENGA, BERNIER, JACQUE, JAGLER, LEMAHIEU, STAFSHOLT, STROEBEL and TESTIN, cosponsored by Representatives VOS, STEINEKE, PETERSEN, VORPAGEL, DUCHOW, JAMES, BORN, KNODL, CABRAL-GUEVARA, ZIMMERMAN, MACCO, STEFFEN, KITCHENS, TRANEL, NOVAK, GUNDRUM, TUSLER, THIESFELDT, KUGLITSCH, RAMTHUN, BRANDTJEN, SUMMERFIELD, DALLMAN, KATSMA, TITTL, DITTRICH, J. RODRIGUEZ, OLDENBURG, VANDERMEER, MAGNAFICI, EDMING, PRONSCHINSKE, SNYDER, BROOKS, SCHRAA, SWEARINGEN, WITTKER, MOSES, CALLAHAN, ROZAR, SKOWRONSKI, SORTWELL, KRUG, SPIROS, TAUCHEN, PLUMER, WICHGERS, MURPHY, LOUDENBECK, BEHNKE and NEYLON. Referred to Committee on Education.

1 **AN ACT to create** 118.072 and 120.12 (15m) of the statutes; **relating to:** a
2 parental opt-out from face covering requirements in school buildings and on
3 school grounds and requiring school boards to offer pupils a full-time,
4 in-person option.

Analysis by the Legislative Reference Bureau

Under this bill, no school board or school district employee may require a pupil to wear a face covering while in school buildings or on school grounds if the pupil's parent notifies the school board or employee that the parent elects to opt out of the requirement on behalf of the pupil. The bill also requires a school board to offer a full-time, in-person option to all pupils enrolled in the school district.

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 **SECTION 1.** 118.072 of the statutes is created to read:
6 **118.072 Face coverings; parental opt-out.** No school board or school
7 district employee may require a pupil to wear a face covering while in school

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1 buildings or on school grounds if the pupil's parent notifies the school board or
2 employee that the parent elects to opt out of the requirement on behalf of the pupil.
3 The school board or employee may not require the parent to provide a reason for the
4 parent's election or to provide any evidence regarding any fact related to the pupil's
5 health or education status. A pupil may not, as a result of such an election, be
6 disciplined or otherwise treated differently from a pupil whose parent has not made
7 such an election.

8 **SECTION 2.** 120.12 (15m) of the statutes is created to read:

9 120.12 **(15m)** IN-PERSON INSTRUCTION. (a) In each school year, offer a full-time,
10 in-person option to all pupils enrolled in the school district. In this paragraph,
11 "full-time, in-person option" means an option under which a pupil receives
12 instruction from a school district employee who is physically present in the same
13 school building as the pupil and in real time for at least the number of hours of direct
14 pupil instruction required under s. 121.02 (1) (f). In this paragraph, "full-time,
15 in-person option" does not include the act of proctoring remote online learning in a
16 classroom.

17 (b) Paragraph (a) does not apply to a virtual charter school, as defined in s.
18 115.001 (16).

19 (END)