

# State of Wisconsin



2021 Assembly Bill 995

Date of enactment:  
Date of publication\*:

## 2021 WISCONSIN ACT

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

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

**SECTION 1.** 118.072 of the statutes is created to read:

**118.072 Face coverings; parental opt-out.** 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 school board or employee may not require the parent to provide a reason for the parent's election or to provide any evidence regarding any fact related to the pupil's health or education status. A pupil may not, as a result of such an election, be disciplined or otherwise treated differently from a pupil whose parent has not made such an election.

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

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

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

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\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."