



Written by [Raven Clabough](#) on February 17, 2022

Victory for Parental Rights: VA Gov. Signs New Law Ending School Mask Mandates

Virginia Governor Glenn Youngkin signed a new law on February 16 that will allow parents to decide whether their children will be masked in school. The measure, which goes into effect immediately but will not be enforced until March 1, will allow parents to opt out of masking their children in school districts that refuse to end their mandates.

“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, may elect for such child to not wear a mask while on school property. A parent making such an election shall not be required to provide a reason or any certification of the child’s health or education status. No student shall suffer any adverse disciplinary or academic consequences as a result of this parental election,” the law reads.



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The [law](#), previously Senate Bill 739, also requires school boards to offer in-person instruction.

The legislation passed the Senate 21-17 earlier this month, with three Democrats joining Republicans, *The Epoch Times* reported.

Democratic Senator Chap Petersen, who joined with Republicans to pass the legislation, defended his vote.

“We are in a different world than we were two years ago,” Petersen said. “The vaccine works and is widely available. Universal mask mandates, especially for children who are healthy and vaccinated, is an onerous and outdated measure that will now end on March 1.”

The House supported the measure by a vote of 52-48 earlier this week.

WTOP News reported that under regular rules, the new law wouldn’t go into effect until July, but the General Assembly passed a “Youngkin Amendment” that added an “emergency clause” that makes the law effective immediately. A line was added allowing school districts until March 1 to comply.

But according to WTOP News, the constitutionality of enacting legislation on an emergency basis by a simple majority vote was challenged by Democrats, who said a “4/5th” supermajority of each body of



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the Assembly was required to enact an emergency-basis law for immediate effect. However, amendments by the governor to passed legislation can be adopted by a simple majority vote. Democrats argued the governor cannot work around supermajority rules by adding an emergency-clause amendment, but Republican House Speaker Todd Gilbert pointed to numerous examples in which former Gov. Ralph Northam did just that.

Democrats opposing the measure argued that school districts should be left to decide their own masking policies, but Republicans noted that parents who wish to mask their children may continue to do so under the new law.

“You still have an option to send your child to school with a mask. No one is stopping that,” said Republican Delegate Emily Brewer. “But I will tell you who will remember this: In a decade, these children will wonder who stood up for their freedom. They will wonder who stood up for parents and who stood up for an option.”

Youngkin has made unmasking children a focus of his administration, signing an executive order within hours of his January 15 inauguration to allow parents the ability to decide whether their children should be masked at school. The order was blocked by Arlington County Circuit Court Judge Louise DiMatteo, who claimed it violates a law signed by former Gov. Ralph Northam that said school districts must follow federal health guidelines as closely as possible.

“When confronted with a specific statute addressing the manner in which in-person learning can resume and directs local school boards to follow the guidance of the CDC, ‘to the maximum extent practicable,’ it does not follow that the Governor ... can direct the School Boards to ignore the General Assembly’s deference to CDC guidance and to abandon their considered determination about what is practicable regarding those mitigation strategies,” DiMatteo wrote in her Feb. 4 opinion.

However, as observed by the online Virginia Mercury, the General Assembly-approved law “carries more legal weight than Youngkin acting alone under his executive powers.”

According to WTKR, Virginia parents are reporting that their children are happy about not having to mask in school.

Lucia Owens, whose daughter Jules is in second grade, said, “She seems to be a lot more like a child again where she’s capable of, kind of happy-go-lucky where she’s not so stressed out. She said that she feels a lot more free. She’s capable of smiling and seeing her friends smile.”

Fourth-grader Adonis George of James Monroe Elementary School in Norfolk told the outlet that he was happy he didn’t have to mask anymore.

“When I’m at recess at school, I’d be out of breath and the teacher won’t let me take my mask off,” George said.

The Washington Post reported that a child at the signing ceremony also expressed her relief with the end of school mask mandates.

“This morning was my ninth suspension over not wearing a mask,” Fairfax County fourth-grader Bronagh McAllister, 10, told the crowd as she stood beside the governor. “It’s been really hard to do work.... Thank you to Governor Youngkin that he has made it a law that parents or kids can make the decision of their own.”

Lawmakers proposed a “sunset clause” on the bill, which failed. Youngkin explained his opposition to that amendment at Wednesday’s signing ceremony: “There isn’t a moment where the rights of parents



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sunset.”

At the request of Democrats, Youngkin added a line to his amendment that specifies the law would not prevent the governor from taking emergency steps to fight future health crises. But he asserts that it would take an entirely different outbreak, such as tuberculosis or the measles, for him to consider invoking that power.

“This is the law of the land and it will stay the law of the land,” he declared on Wednesday.





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