

## Your Question:

Which states are requiring in-person instruction to be offered to students?

## Our Response:

The Kaiser Family Foundation (KFF) maintains a [website](#) that tracks state policies regarding school instruction status. This website indicates that 19 states and the District of Columbia require in-person instruction, though in some cases this seems to reflect 2020-21 policy or executive orders that have since been rescinded. To answer your question, we confirmed that at least 10 states — **Arkansas, Illinois, Massachusetts, New Jersey, Rhode Island, South Carolina, Tennessee, Vermont, Virginia** and **West Virginia** — and the District of Columbia require in-person learning to be offered. *This information is accurate to the best of our knowledge as of Sept. 9, 2021 and will not be updated.*

[South Carolina](#) and [Virginia](#) enacted legislation directly creating such requirements. In other states, we found evidence of these requirements and policies in state education agency resources, announcements from governors or chief state school officers, and in state board of education actions. Below, we provide details on these policies and link to relevant resources. The final section gives information on the eight states KFF has included in their list that we couldn't confirm an explicit mandate for offering in-person instruction. We also include links to sources alongside our reasons for the state's categorization.

## States that explicitly require in-person instruction be offered in the 2021-2022 school year

### Arkansas

In the 2021-22 COVID-19 Guidance for Schools [document](#) released by the state department of education on Aug. 10, 2021, the process for approving digital learning plans is discussed, but only in addition to a "required in-person instructional option" (page 8). Alternate methods of instruction for school-wide or district-wide COVID closures are mentioned on page 7 and 8.

### District of Columbia

According to the DC Public Schools' [ReopenStrong](#) website, "DC Public Schools will fully reopen with in-person learning for all students, every day in the fall for the 2021-2022 School Year." [Virtual instruction](#) will be available, but only to students who meet medical eligibility requirements with doctor approval: "We know there are students who have a documented medical condition who need to continue virtual learning. To support these students, DCPS will offer virtual instruction for a limited number of students who meet medical eligibility requirements. Virtual learning based on medical need will be available across all grades for the 2021-2022 School Year ... virtual instruction will be offered on a semester basis ... each student in a household that needs virtual learning should complete online registration and upload a form signed by their doctor."

### Illinois

On July 9, 2021, State Superintendent of Education Carmen Ayala [announced](#) that "beginning with the 2021-22 school year, all schools must resume fully in-person learning for all student attendance days, provided that, pursuant to [105 ILCS 5/10-30](#) and [105 ILCS 5/34-18.66](#), remote instruction be made available for students who have not

received a COVID-19 vaccine or who are not eligible for a COVID-19 vaccine, only while they are under quarantine." This announcement was reflected in August 2021 [guidance](#) from the state board.

### Massachusetts

According to the Massachusetts Department of Education's [website](#), "For fall 2021, all districts and schools will be required to be in-person, full-time, five days a week ... Remote learning is not an option this fall, unless a district has created a virtual school within its district, if a child is enrolled in a [Commonwealth Virtual School](#), or if a child requires a [home/hospital tutoring program](#)."

### New Jersey

In May 2021, Gov. Phil Murphy [announced](#) that schools will be required to provide full-time, in-person instruction beginning in the fall of 2021. Murphy stated that he would rescind portions of [Executive Order 175](#) to create this requirement, but in our scan, we have not been able to find evidence of such a rescission.

According to a [resource](#) published by the department of health and department of education, last updated Sept. 1, 2021, "Local Education Agencies (LEA) must plan to provide full-day, full-time, in-person instruction and operations for the 2021-2022 school year." The guidance includes strategies LEAs can consider to reduce risks while still allowing full in-person learning, but "the absence [of such strategies] does not preclude the opening of a school facility for full-day in-person operation with all enrolled students and staff present." Remote instruction may be offered to students who test positive for COVID-19, as described on page 13.

### Rhode Island

According to the PreK-12 Health and Safety [Guidance](#) for the 2021-22 school year released by the department of health and the department of education and last updated on June 29th, "LEAs are no longer required to provide a distance learning option for students/families. They should plan on how services and educational programming will be provided if a student must remain home for short periods of time due to illness, isolation, or quarantine." The document also states that "Our goal is to have all students back in-person, five days a week. Families of students who are at increased risk of severe illness (including those with special healthcare needs) or who live with people at high risk should meet with their district and review their Health Plan, 504 Plan, and/or IEP". On June 30<sup>th</sup>, Gov. Dan McKee issued a [press release](#) communicating these policies.

### South Carolina

In 2021, South Carolina enacted [S 704](#) which created the requirement that "for the 2021-2022 School Year, every school district in the State must offer five-day, in-person classroom instruction to students."

### Tennessee

Tennessee schools [cannot](#) teach students both in-person and remotely; students who wish to learn virtually must enroll in a [public virtual school](#), as established by the Tennessee State Board of Education in [April 2021](#). On Aug. 27, Commissioner of Education Penny Schwinn [established](#) an option for districts to apply for waivers "in cases where districts can demonstrate and document COVID-related needs in their school communities that necessitate a temporary shift to remote instruction for classrooms or entire schools." According to a Sept. 1 Chalkbeat [article](#), Schwinn had so far granted 8 of 14 waiver requests.

## Vermont

On June 14, Gov. Phil Scott [ended](#) all COVID-19 restrictions. Instructional [operations](#) for fall 2021, released by the Vermont Agency of Education and last revised in May, stated that it “is likely” that the state will “return to the normal regulatory framework for operating schools” in the fall of 2021 in the absence of a state of emergency.

A section on remote learning (page 2) encourages consideration of the use of remote learning, stating that “schools should not ignore data and student/family reports on the efficacy of virtual learning for some students ... Online and blended learning has been a historical flexible pathway in Vermont that has proven highly successful for certain students. School leaders and teams, as part of their planning efforts, are not precluded from offering students access to programs such as [the Vermont Virtual Learning Cooperative] based on student data and are encouraged to continue making student-centered decisions when developing plans for next year.”

## Virginia

In 2021 Special Session I, Virginia enacted [SB 1303](#), which requires that “each school board shall offer in-person instruction to each student enrolled in the local school division in a public elementary and secondary school for at least the minimum number of required instructional hours” and has a similar requirement for public school-based early childhood care and education programs.

The Virginia Department of Education’s website provides [guidance](#) in light of these requirements: “State law in Virginia requires all public schools to offer in-person instruction to students during the 2021-2022 school year in accordance with recommended CDC mitigation strategies, to the greatest extent practicable. The new law permits temporary school closures only necessary in the context of controlling spread associated with increased impact to schools such as increased cases or outbreaks. Schools may, at their discretion, also offer virtual instruction to students throughout the year.”

## West Virginia

On [Jan. 13](#), 2021, the West Virginia Board of Education unanimously approved a [motion](#) regarding in-person instruction. The motion includes provisions that students in pre-K through eighth grade will “attend in-person instruction five (5) full days per week regardless of the county’s color on the West Virginia Department of Health and Human Resources (DHHR) County Alert System Map.” Counties “do not have the option to implement full countywide remote learning for Pre-K through 8 students,” though the local county board of education may close individual classrooms or schools in certain situations. Additionally, the motion states that “High schools will attend school in-person unless the county is red on the DHHR County Alert System Map.”

## States with previous mandates or strong encouragement, but no explicit mandate

We were not able to confirm an explicit mandate/requirement to offer in-person instruction in the 2021-22 school year from eight states included in the list [compiled](#) by KFF. This was the case for **Arizona, Florida, Iowa, Kansas, Louisiana, Mississippi, Utah** and **Washington**. Below, we briefly explain our reasoning behind such a designation for each state and provide links to relevant sources.

## Arizona

On March 3, 2021, Gov. Doug Ducey issued an executive order ([2021-04](#)) requiring schools to offer in-person learning (see corresponding press release [here](#) and department of education FAQ document [here](#)). However, on July 2, 2021,

this executive order was rescinded as part of executive order [2021-16](#). We could not confirm any similar requirement for the 2021-22 school year.

## Florida

On Nov. 30, 2020, Commissioner of Education Richard Corcoran issued an [emergency order](#) that required school districts and charter school governing boards to provide a range of instructional options that must include in-person teaching. This order remained effective through the 2021 summer semester unless extended by a subsequent emergency order. We were not able to identify any such extension.

## Iowa

In January 2021, Iowa enacted [SF 160](#), which required brick-and-mortar school districts and accredited nonpublic schools to offer the option of full time, in-person instruction, except when waived because of a COVID-19 emergency proclamation. This requirement ended on June 30, 2021. We were not able to identify any extension.

## Kansas

In April 2021, Kansas enacted [SB 63](#), which required every school district to provide a full time, in-person attendance option for K-12 students. This requirement was specific to the 2020-21 school year and we are not aware of any extension.

## Louisiana

We could not find any definitive requirement that schools offer in-person instruction in Louisiana. A school operational guidelines [document](#) published by the department of education, last updated on Aug. 11, 2021, states that “Louisiana’s plan for statewide reopening of schools outlines phases that are initiated once certain public health criteria are met. Throughout these phases, restrictions will be gradually relaxed as the public health situation improves, allowing greater flexibility, including the potential of resuming school building-based instruction. Should the public health situation decline, restrictions may also be gradually tightened. School systems should be prepared for either situation to occur during the course of the year. In Phases 1, 2, and 3, school facilities may open to students for in-person instruction with certain restrictions in place. These restrictions are outlined by the Louisiana Department of Health.”

## Mississippi

On July 15, 2021, the Mississippi State Board of Education [passed](#) policies requiring districts to “resume providing face-to-face in-person instruction” and eliminating a hybrid scheduling option that combines virtual and traditional instruction (see corresponding news release [here](#)). On Aug. 19, 2021, the state board [amended](#) that [policy](#) “to allow districts to utilize the hybrid scheduling option effective immediately upon SBE approval through Oct. 31, 2021. The use of the hybrid scheduling option is only available for use in response to the COVID pandemic.”

## Utah

According to the Utah [COVID-19 School Manual](#), last updated in March 2021, “While the Governor, state health department, and local health department each have legal authority to close schools in response to a public health emergency, the local school board will decide if or when a school will move to remote or hybrid learning during the pandemic.” While the manual makes many references to in-person learning and its importance, we were not able to confirm an explicit mandate for in-person instruction to be offered.

## Washington

Rather than creating explicit requirements for the provision of in-person learning, in our scan of Washington policy and guidance, we found language about expectations and planning regarding in-person learning. According to [guidance](#) from the office of superintendent of public instruction, “OSPI, the Department of Health, and the Governor’s Office expect all K-12 students to have the opportunity to attend school in-person full-time in the 2021-22 school year.” [Guidance](#) from the department of health, last updated Aug. 11, states that “for the 2021-2022 school year schools must plan to provide in-person education for all interested students with [specified] required mitigation measures.”