



January 25, 2022

Dear Vestal Families,

This morning, I sent a message about the ruling issued by a State Supreme Court Justice in Nassau County that raised questions about masking policies in New York State public schools. We received the following notification last night from the New York State Education Department.

“The State Education Department understands that Nassau County Supreme Court has ruled that the Department of Health exceeded its authority in enacting the mask regulation. This regulation is the subject of conflicting decisions, insofar as the Albany County Supreme Court upheld the regulation in a recent ruling.”

The Vestal Central School District was advised of the recent decision by State Supreme Court Justice Thomas Rademaker, in Nassau County, by which that Court declared the State’s mask mandate to be unconstitutional, unlawful, and therefore, null and void. We were also advised that the State Health Department had announced that it was appealing that ruling, seeking an emergency stay of the Court’s Order.

The case of DeMetriou, et al. v. New York State Department of Health, Public Health and Health Planning Council, Mary T. Bassett, as Commissioner of Health, and Kathleen C. Hochul, as Governor of the State of New York, Index\_No.: 616124/2021, was reviewed by our District legal counsel. The advice from our legal counsel was that in view of the State commencing an appeal of this matter and seeking an emergency injunction preventing the enforcement of that Court decision, we were to maintain our mask mandate policy pursuant to a directive from the New York State Education Department until such time as the matter was further clarified in the Courts.

Late this afternoon, the District was informed that the stay regarding the masking decision was granted temporarily until Friday, January 28<sup>th</sup>, at which time there will be another hearing. Therefore, the Nassau County order invalidating 10 NYCRR 2.60 is stayed, meaning that the regulation continues to be in effect. Masks are mandatory until the court can hear more arguments on procedural grounds.

As a result, we must continue to adhere to the expectations that all Vestal students, staff, and visitors wear a mask in our buildings.

We understand that these are very confusing times. Our greatest motivation, in addition to safeguarding the health and well-being of everyone in the Vestal CSD, is to maintain the stability and sense of calm we have cultivated by following the protocols that have been in place all year.

Thank you for your continued support and understanding.

Sincerely,

Jeffrey J. Ahearn  
Superintendent of Vestal Schools

**CHALLENGE**

**SUPPORT**

**FOSTER**

**INVEST**