



**Update:** January 25, 2022

The Governor and State DOH have filed a Notice of Appeal and are seeking confirmation that the Court's order is stayed. While these legal steps occur, it is NYSED's position that schools should continue to follow the mask rule.

All further inquiries should be directed to the Department of Health – you can contact the New York State Department of Health's COVID email for school inquiries [schoolquestionscovid@health.ny.gov](mailto:schoolquestionscovid@health.ny.gov).

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January 24, 2022

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, 10 NYCRR 2.60, in *Demetriou et al. v. New York State Dep't of Health et al.* This regulation is the subject of conflicting decisions, insofar as Albany County Supreme Court recently upheld the regulation in *Massapequa UFSD et al. v. Hochul, et al.*

It is SED's understanding that the Department of Health will appeal the Nassau County Supreme Court decision, which will result in an automatic stay that will unambiguously restore the mask rule until such time as an appellate court issues a further ruling. Therefore, **schools must continue to follow the mask rule.**