



# TONAWANDA CITY SCHOOL DISTRICT

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**TIMOTHY A. OLDENBURG, Ed.D.**  
**SUPERINTENDENT OF SCHOOLS**

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January 14,2022

Hello Warrior Parents/Guardians:

The district is aware of a recent judicial decision that suggested the NYSDOH exceeded its authority in enacting the mask regulation.

Our district, and many others in WNY, will await further clarification on this judicial order and be prepared to make any changes that are allowable as we move forward.

To be clear, the mask requirement in our schools will remain in effect tomorrow and until further notice.

Please see the message below from the NYS Education Department that was issued earlier this evening:

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.**

Sincerely,

Dr. Timothy A. Oldenburg  
Superintendent of school