



# *Akron Central School District*

*In Pursuit of Excellence*

*Patrick D. McCabe  
Superintendent of Schools*

January 25, 2022

Dear Akron Central School District Community,

I have received a number of messages from parents regarding the implications of yesterday's decision by a Nassau County trial court declaring that the State Department of Health exceeded its authority when they required masks to be worn in our schools. In addition, I had the opportunity to meet with a group of parents this morning to discuss this issue. I appreciate their thoughtfulness and willingness to engage in a respectful dialogue on this complex matter. In light of the emails that I have received, the range of opinions shared, and the many questions that I know are out there, I am providing this correspondence to the District community in an effort to summarize recent events and inform you of important developments. Please note that this is a fluid situation that may not be entirely resolved this week. Thus, this update is only as current and accurate as the time it is written.

In regard to the Nassau County trial, we now know that the State Department of Health filed an appeal of the trial court's decision to a higher court in New York, and that the State asked the appellate court to keep the mask mandate for schools in place while that appeal is pending. At approximately 5:00 pm this evening, we received [notification that the Appellate Division granted the application by the Department of Health and the Governor's office](#), confirming the lower court's decision is **stayed** pending further proceedings. As such, ***the mask mandate remains in effect for schools across the state***. It's important to note that this case will be heard again this week and this initial ruling could be changed or modified.

On a related note, Erie County Executive Mark Polancarz has stated that the County's indoor mask mandate, which requires mask-wearing inside, was not addressed in the Nassau County trial court's decision yesterday and therefore remains in effect in Erie County. The County Executive specifically referenced a distinction between the State order and the Local Emergency Order on indoor masking he issued on November 23, 2021 under Section 24(1) of NYS Executive Law, as well as the Order of the Erie County Commissioner of Health that was also issued on November 23, 2021, based on Public Health Law 308.

I understand people's frustrations with the ever-changing nature of the maze of regulations under which we are operating as employees, parents, and students. I also understand that our collective patience has been severely tested by COVID-19 and the requirements enacted in response to it. And - I know that many of us are looking forward to the time when we can send our children to school without a mask.

Regardless of what the State or County requires or does not require in response to COVID-19, please be assured that the District remains focused on providing all of our students with the education they deserve and that we will continue to advocate on our community's behalf with State and local officials.

Thank you in advance for your anticipated support and cooperation.

Sincerely,  
Patrick D. McCabe