



Good evening!

As you may have heard, today, in a 4-1 decision, the Commonwealth Court of Pennsylvania issued a ruling written by Judge Christine Fizzano Cannon that voids the Face Covering Order for schools in Pennsylvania that was issued by PA Acting Secretary of Health Allison Beam on August 31, 2021. I didn't send out an immediate notice because as we have learned over the past 20 months, the information changes rapidly. The ever-changing information and "rules" from the PA Department of Health (PA DoH) and the PA Department of Education (PDE) continue to be very challenging and frustrating for all of us. Over the past several hours, I consulted with multiple individuals and attempted to better understand the complexities of the situation before sending this email. I received information from professional organizations, like the state superintendents' association, attorneys and a legislator. I also consulted with neighboring superintendents who have many years of experience in education, but no experience in navigating the onslaught of discontent with ever changing mandates as we proceed out of a pandemic. I'd like to share with you what I know as of this evening.

Shortly after the Commonwealth Court issued the ruling that voids the PA DoH Mask Order, the Acting PA Secretary of Health filed an appeal to the Commonwealth Court decision related to the Masking Order. In legal terms, The Department of Health (DOH) is entitled to automatic "supersedeas" during the appeal process under Pennsylvania Code Rule of Appellate Procedure 1736(b). **What this means is that even though the DOH lost before the Commonwealth Court, the masking order remains in effect until the Supreme Court decides its appeal.** We don't know when the Supreme Court may decide about the appeal from the Secretary of Health, so for now, we must keep doing what we have been doing in terms of masking. I certainly will notify you if that changes.

Regardless of the current situation that schools have been placed in, I do anticipate that the Masking Order will be discontinued not later than January 17, 2022. Should the masking order be discontinued in advance of that date, we will revert back to our Health and Safety plan which includes optional masking.

Again, I will keep parents updated as we become aware of any new developments.

As always, I want to offer my very heartfelt thanks for your support and understanding as we continue to navigate this very challenging pandemic.

I hope you have a terrific Thursday!

Tammie Burnaford
Superintendent
Bellefonte Area School District