



# Oyster Bay - East Norwich Central School District

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[www.obenschools.org](http://www.obenschools.org)

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February 14, 2022

Honorable Kathy Hochul  
Governor of New York State  
New York State Capital Building  
Albany, NY 12224

Dr. Mary T. Bassett, M.D., M.P.H. Commissioner  
New York State Department of Health  
Corning Tower  
Empire State Plaza  
Albany, NY 12237

Dr. Betty A. Rosa, Commissioner  
New York State Education Department  
89 Washington Avenue  
Albany, NY 12234

Dear Governor Hochul, Commissioners Bassett & Rosa:

It has come to the attention of the Board of Education of Oyster Bay-East Norwich School District ("Board") that a proposed rule would grant the Commissioner of the Department of Health the authority to mandate Covid-19 protocols in certain settings including schools. Currently the proposed rule requires children ages 2 and up to comply with the Commissioner's mandate.

The Board felt compelled to write a comment to the proposed rule to voice the concerns of our school community. The New York State legislature removed the emergency powers granted to the governor during the height of the pandemic, which was a temporary measure for the public safety of its residents. In the absence of the emergency powers, Covid-19 protocols must not be implemented as a regulation, rather it should go through the legislative process.

Clearly, the Covid-19 protocol debate continues, however, no matter which side you are on, we all agree that the best approach is for all New York resident opinions to be represented before any final regulation is adopted, this can only be accomplished through an act of our state legislature. To ensure all residents have an opportunity to be heard, we respectfully request that this matter be taken up as a bill through the legislative process rather than the proposed rulemaking process.

Alternatively, should you decide to move forward with the proposed rule, we ask that you set specific parameters before the Commissioner is authorized to mandate masks or other Covid-19 protocols, rather than the broad authority granted under the proposed rule. Specifically, a threshold contagion level coupled with an inability to socially distance students 4 feet apart should be established before a specific school is required to mandate masks or implement other Covid-19 rules.

Oyster Bay-East Norwich School District has been able to offer in-person learning while maintaining low levels of Covid-19 transmittal in our schools. Our parents and students have partnered with our staff and administration to comply with the mandates of masking and distancing throughout the pandemic. However, the costs to our children's education cannot continue as we move into the endemic phase. We all must agree to work together to determine a solution that is in the best interest of our students. Therefore, we respectfully request that the authority to mandate Covid-19 protocols be debated in our state legislature, to allow time for a well-thought-out approach to a mandate that impacts our children's social and emotional well-being, as well as our school's ability to deliver the most effective education.

Respectfully,

Board of Education, Oyster Bay-East Norwich Central School District

*Laurie Kowalsky*

Laurie Kowalsky  
President, Board of Education

*Nancy Castrogiovanni*

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Vice President, Board of Education

*Todd Cronin*

Todd Cronin, Trustee

*Darren Gerbosi*

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*Michael Schindler*

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*Norah Windhausen*

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