

Working to Inform NYS Residents on their Constitutional and Parental Rights



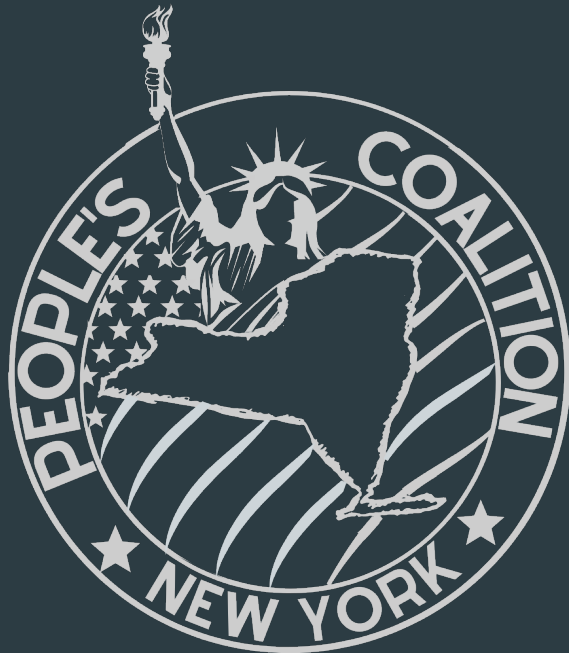
PEOPLE'S COALITION FOR NEW YORK

<https://www.peoplescoalitionforny.org/purpose>

<https://www.facebook.com/PeoplesCoalitionforNY/>

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<https://twitter.com/PeoplesCoalitNY>



**THIS ENDS
WHEN WE
SAY NO**

to UNCONSTITUTIONAL
MANDATES, REQUIREMENTS, ANNOUNCEMENTS

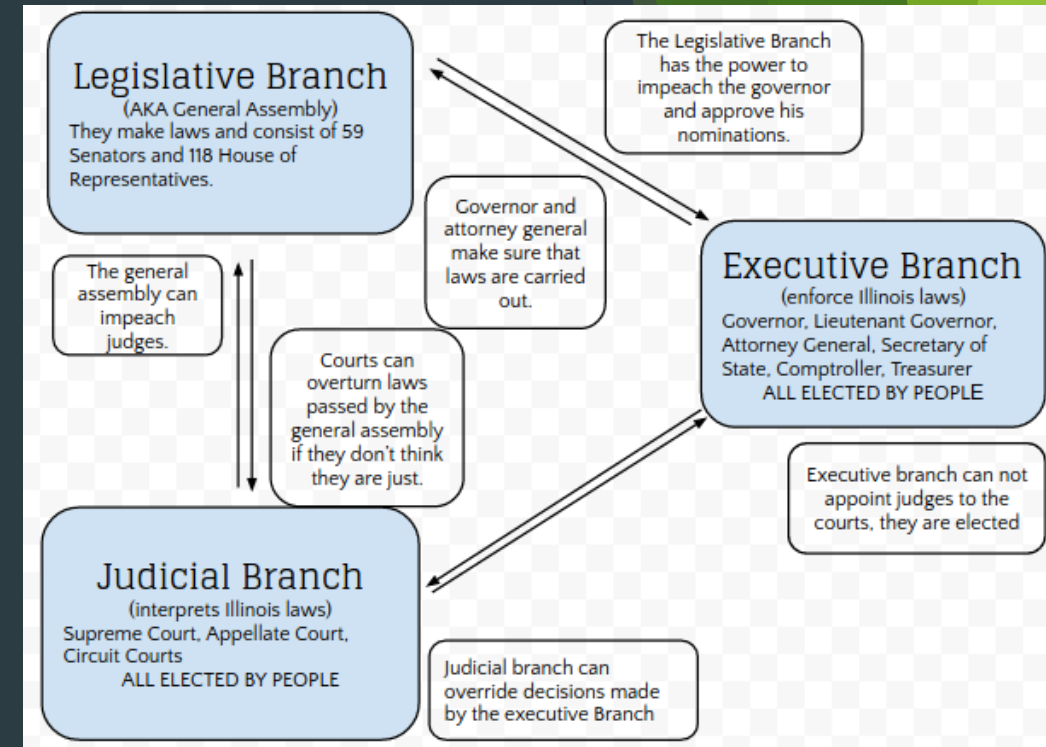
CALL TO ACTION : Share this everywhere & change your FB cover

- DO NOT COMPLY • NO MASK • NO PROOF
- DO NOT PATRONIZE any business that enforces

THE THREE BRANCHES OF GOVERNMENT SHOULD BE

1. SEPARATE BUT EQUAL
2. WITH CHECKS AND BALANCES

- ▶ NYS GOVERNMENT'S CHECKS AND BALANCES HAVE ERODED
- ▶ AGENCIES UNDER THE EXECUTIVE BRANCH ARE BYPASSING THE ELECTED NYS ASSEMBLY TO MAKE NEW RULES PERMANENT
- ▶ AGENCIES ARE USURPING THE LAW-MAKING POWER OF THE LEGISLATIVE BRANCH
- ▶ AGENCIES ARE NOT ELECTED THEREFORE THEY ARE NOT ACCOUNTABLE TO THE PEOPLE



NEW DEVELOPMENTS

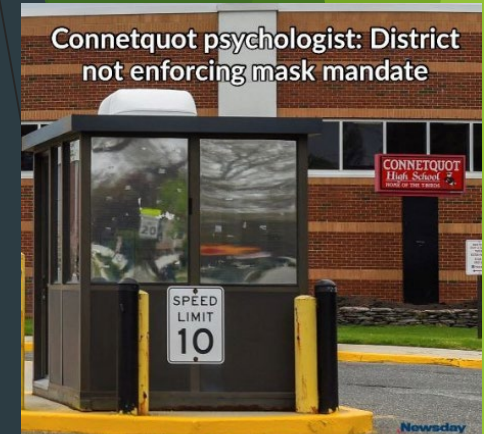
Attempt to Shift Focus: Hochul's Bait + Switch

Landmark Date → Thursday, January 20th, 2022

- Massapequa BOE votes to make masks optional
- Massapequa's vote shined a spotlight on DOH Mandate expirations

Gov. Hochul's Response → Friday, January 21st, 2022

- Hochul states she will direct NYSED to develop policy to permanently expel non-compliant students:
"You will be forced to pay school taxes to the district that expelled your child for not wearing a mask (properly)"
- Hours later Hochul said that Mandates will expire
- Later on she said that Covid numbers on LI have dropped



350 likes
newsday A school psychologist now sick with COVID-19 says the Connetquot School District is not enforcing a state indoor mask mandate, and the situation at the high school is "out of control," with most students wearing masks under their nose or chin — or not at all.

MASK MANDATES FOR CHILDREN: Gov. Kathy Hochul (D-NY) says: "My daughter had a meltdown about having to put sneakers on to go to kindergarten. She got used to wearing sneakers in school. They adapt better than adults do."



er to the Board of Education
accused some school board
ate because of a "political
ion head said the district is
s.
llowing state guidelines and
d it has been formally
n since the start of the school
every day.

A Tangled Web

Governor
NYS Dept of Health
Board of Regents + NYSED



COVID CASH COMES WITH STRINGS ATTACHED

Taxpayer-Funded Federal Covid Grants to Schools ARP American Rescue Plan Act of 2021

WHAT YOU NEED TO KNOW ABOUT COVID GRANTS AWARDED TO SCHOOLS

In May-June 2021 Districts applied for Covid Grant funds under a new Law called the American Rescue Plan Act of 2021 (ARP). The Law provides a 1-time past expense relief Grant for the 2020-2021 school year under the Coronavirus Response and Relief Supplement Appropriations Act (CRRSA). And it also provides a 2-year future funding Grant for preparedness and response thru June 2023.

THE MONEY COMES WITH STRINGS ATTACHED – by accepting it, your school is now under the **CDC Crisis Response Cooperative Agreement** (May 14, 2021) here's what it means...

CDC COOPERATIVE AGREEMENT HIGHLIGHTS

GOAL of the FUNDS

The funding is intended to **establish, expand, train, and sustain a NATIONAL PUBLIC HEALTH WORK FORCE UNDER HHS DIRECTIVES** that includes school-based health programs. Schools may hire individuals for school-based health care and the employees will follow HHS directives and guidance.

TERMS & CONDITIONS

By accepting \$\$\$ the District must:

- Comply with current and **UNKNOWN FUTURE** directives and guidance from the HHS Secretary
- Assist the US Government in the implementation and enforcement of federal orders related to quarantine and isolation
- Must provide to the CDC copies, access to Covid-19 data collected, and future directives will specify what data is included

WHAT ARE THE IMPLICATIONS?

- **NO METRIC DATA GIVEN TO END MANDATES** – CDC deleted Mask phase-out from Guidance
- **EXPANSION OF GOVERNMENT RUN HEALTH CARE PROGRAMS INTO SCHOOLS**
- **SCHOOLS BLEND WITH MEDICAL FACILITIES** – becomes the "new normal" for young ones
- **END OF LOCAL CONTROL** – District must follow unknown future HHS directives and guidance
- **YOUR RIGHT OF ELECTED REPRESENTATION ERODED** – by the loss of Local Control
- **NO MEDICAL PRIVACY** – which data is to be collected will be specified in the future
- **ELIMINATION OF PARENTS RIGHTS** – through the expansion of school-based health programs
- **SETS UP A FRAMEWORK TO ESTABLISH A CENTRALIZED HEALTH CARE SYSTEM FOR ALL**

ASK YOUR SCHOOL BOARD... When does this Agreement expire? What are all of the current and future requirements of the District under the ARP Grant? How have the funds been spent or are slated to be spent? Have benchmarks or metrics to end the mandates been provided? How are our Constitutional rights, privacy, and protections of Due Process secured under the CDC Agreement? Have the Board Members been threatened with legal action by NYSED to comply with DOH Mandates?— If so, then **Board Members who are under duress or have a conflict of interest, should resign.**

CDC Crisis Response Cooperative Agreement: COVID-19 Public Health Workforce Supplemental Funding Guidance

May 14, 2021

Summary

On **March 11, 2021**, the President signed into law the **American Rescue Plan Act of 2021 (P.L. 117-2)**. The Act provides additional relief to address the continued impact of the Coronavirus Disease 2019 (COVID-19) pandemic on the economy; public health; state, tribal, local, and territorial (STLT) governments; individuals; and businesses. To support the governmental public health response to COVID-19, the Centers for Disease Control and Prevention (CDC) is activating CDC-RFA-TP18-1802 **Cooperative Agreement for Emergency Response: Public Health Crisis Response**. **CDC is awarding funding, totaling \$2,000,000,000, to eligible jurisdictions on the approved but unfunded (ABU) list for CDC-RFA-TP18-1802 to establish, expand, and sustain a public health workforce.** These funds are in addition to, and separate from, funds CDC previously awarded to select jurisdictions for COVID-19 response activities through CDC-RFA-TP18-1802 in the spring of 2020.

Availability of Funds

A total of \$2,000,000,000 is available to the 65 current recipients of CDC's COVID-19 Crisis Response Cooperative Agreement. A funding table is available in Appendix 1.

Terms of Funding

Funds will be made available during the two-year budget period and period of performance to conduct activities necessary to expand, train, and sustain a response-ready public health workforce at STLT levels. Recipients will operate under a two-year budget and performance period. Efforts are underway, subject to availability of funds, to develop solutions that allow for a more sustained workforce. Details will be provided when available.

Period of Performance

The two-year period of performance for this funding is July 1, 2021, through June 30, 2023. With prior approval from CDC, reimbursement may be allowed for pre-award costs incurred on or after May 14, 2021, for certain expenses related to jurisdictional COVID-19 prevention, preparedness, response, and recovery initiatives, including public health workforce development needs and school-based health programs.

Terms and Conditions of COVID-19 Funds

- A recipient of a grant or cooperative agreement awarded by the Department of Health and Human Services (HHS) with funds made available under the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (P.L. 116-123); the **Coronavirus Aid, Relief, and Economic Security Act, 2020 (the "CARES Act") (P.L. 116-136)**; the Paycheck Protection Program and Health Care Enhancement Act (P.L. 116-139); the Consolidated Appropriations Act and the **Coronavirus Response and Relief Supplement Appropriations Act, 2021 (P.L. 116-260)** and/or the **American Rescue Plan of 2021 (P.L. 117-2)** agrees, as applicable to the award, to: **1) comply with existing and/or future directives and guidance from the Secretary regarding control of the spread of COVID-19; 2) in consultation and coordination with HHS, provide, commensurate with the condition of the individual, COVID-19 patient care regardless of the individual's home jurisdiction and/or appropriate public health measures (e.g., social distancing, home isolation); and 3) assist the United States Government in the implementation and enforcement of federal orders related to quarantine and isolation.**



Centers for Disease
Control and Prevention
Center for Preparedness and Response

COVID CASH COMES WITH STRINGS ATTACHED

CDC Crisis Response Cooperative Agreement: COVID-19 Public Health Workforce Supplemental Funding Guidance

- In addition, to the extent applicable, the recipient will comply with Section 18115 of the CARES Act, with respect to the reporting to the HHS Secretary of results of tests intended to detect SARS-CoV-2 or to diagnose a possible case of COVID-19. Such reporting must be in accordance with guidance and direction from HHS and/or CDC. HHS laboratory reporting guidance is posted at www.hhs.gov/sites/default/files/covid-19-laboratory-data-reporting-guidance.pdf.
- Further, consistent with the full scope of applicable grant regulations (45 C.F.R. 75.322), the purpose of this award, and the underlying funding, the recipient must provide to CDC copies of and/or access to COVID-19 data collected with these funds, including but not limited to data related to COVID-19 testing. CDC will specify in further guidance and directives what is encompassed by this requirement.
- This award is contingent upon agreement by the recipient to comply with existing and future guidance from the HHS Secretary regarding control of the spread of COVID-19. In addition, the recipient must apply these terms to any subaward, to the extent applicable to activities set out in such subaward.
- To achieve the public health objectives of ensuring the health, safety, and welfare of all Americans, the recipient must distribute and administer vaccine without discriminating on non-public-health grounds within a prioritized group.
- Submission of this application assumes concurrence among the state health official and the jurisdiction's preparedness, epidemiology, and laboratory programs.

Termination

This award may be terminated in whole or in part consistent with 45 CFR 75.372. CDC may impose other enforcement actions in accordance with 45 CFR 75.371- Remedies for Noncompliance, as appropriate.

Goal of the Funds

This funding is intended to establish, expand, train, and sustain the STLT public health workforce to support jurisdictional COVID-19 prevention, preparedness, response, and recovery initiatives, including school-based health programs. CDC expects public health agencies to use available funding to recruit, hire, and train personnel to address projected jurisdictional COVID-19 response needs over the performance period, including hiring personnel (see Allowable Costs section) to build capacity to address STLT public health priorities deriving from COVID-19. CDC recommends that recipients use [CDC's Social Vulnerability Index](#) data and tools to inform jurisdiction COVID-19 planning, response, and hiring strategies.

CDC expects that at least 25% of the jurisdictional award will support school-based health programs, including nurses or other personnel as outlined below. Of the remaining 75% (or less, depending on the amount invested in school nurses), CDC expects that at least 40% will support local hiring through local health departments or community-based organizations.

Funding can be used to hire personnel for roles that may range from senior leadership positions to early career or entry-level positions and may include, but is not limited to:

- Permanent full-time and part-time staff (which may include converting part-time positions to full-time positions during the performance period)
- Temporary or term-limited staff
- Fellows
- Interns
- Contractors or contracted employees

Allowable Costs

Following is a list of allowable and potential employment positions that may be considered, as well as supportive services that may be provided. This list is not exhaustive; CDC encourages recipients to think broadly and target hiring to meet their individual jurisdictional and local needs, as applicable.

1. The costs, including wages and benefits, related to recruiting, hiring, and training of individuals to serve as:

- Professional or clinical staff, including public health physicians and nurses (other than school-based staff); mental or behavioral health specialists to support workforce and community resilience; social service specialists; vaccinators; or laboratory scientists or technicians;
- Disease investigation staff, including epidemiologists; case investigators; contact tracers; or disease intervention specialists;
- School nurses and school-based health services personnel, including hiring school-based nurses, converting current nurses from part-time to full-time work, increasing hours, increasing nursing salaries or otherwise supporting retention efforts;
- Program staff, including program managers; communications and policy staff; logisticians; planning and exercise specialists; program evaluators; pandemic preparedness and response coordinators to support the current pandemic response and identify lessons learned to help prepare for possible future disease outbreaks; health equity officers or teams; data managers, including informaticians, data scientists, or data entry personnel; translation services; trainers or health educators; or other community health workers;
- Administrative staff, including human resources personnel; fiscal or grant managers; clerical staff; staff to track and report on hiring under this cooperative agreement; or others needed to ensure rapid hiring and procurement of goods and services and other administrative services associated with successfully managing multiple federal funding streams for the COVID-19 response; and
- Any other positions as may be required to prevent, prepare for, and respond to COVID-19.

These individuals may be employed by:

- STLT public health governments or their fiscal agents;
 - Schools, school boards, school districts, or appropriate entities for providing school-based health care;
 - Nonprofit private or public organizations or community-based organizations with demonstrated expertise in implementing public health programs and established relationships with STLT public health departments, particularly in medically underserved areas; or
 - Employment agencies, contracted vendors, or other temporary staffing agencies.
2. Purchase of equipment and supplies necessary to support the expanded workforce including personal protective equipment, equipment needed to perform the duties of the position, computers, cell phones, internet costs, cybersecurity software, and other costs associated with support of the expanded workforce (to the extent these are not included in recipient indirect costs).
 3. Administrative support services necessary to implement activities funded under this section, including travel and training (to the extent these are not included in recipient indirect costs).

Allowable Activities

Following is a list of allowable activities that can be conducted to support the hiring, recruiting, and training of a public health workforce, as well as activities that can be completed by the public health workforce supported with this funding. This list is not exhaustive; CDC encourages recipients to meet their individual jurisdictional and local needs, as applicable.

- Using a variety of mechanisms to expand the public health workforce, including, but not limited to:
 - Using the General Services Administration (GSA) COVID-19 Related Support Services (CRSS) contract mechanism available at [Acquisition Gateway](#) to obtain contract staff or services;
 - Forming partnerships with academic institutions, creating student internship or fellowship opportunities, and building graduation-to-workforce pipelines;
 - Establishing partnerships with schools of public health, technical and administrative schools, and social services and social science programs; and
 - Using temporary staffing or employment agencies.

- Using recent gap assessments to inform work plan activities and hiring goals. If a gap assessment is not readily available, funds can be used to conduct this activity.
- Using funds to conduct a workforce analysis to determine whether health departments were organized to maximum benefit for the COVID-19 response and how they may want to be reconstituted to prepare for future emergencies.
- Addressing community recovery and resilience needs to respond effectively to the COVID-19 pandemic and other biologic threats, including vaccine-related education.
- Making subawards or contracts to local schools or school districts to support school nurses and school-based health services.
- Awarding funds to schools of public health or private or public organizations with demonstrated expertise in implementing public health programs in medically underserved communities.
- Training and education for new and existing staff on topics such as incident management training, especially from a public health perspective and integration with emergency management; health equity issues and working with underserved populations; cultural competency; disease investigations; informatics or data management; or other needs identified by the jurisdiction.
 - This can also include training on incident management or emergency management roles for existing staff in other program areas who may be called upon to support the response.
- Developing, training, and equipping response-ready "strike force" teams capable of deploying rapidly to meet emergent needs, including through the [Emergency Management Assistance Compact](#).
- Ensuring a focus on diversity, health equity, and inclusion by delineating goals for hiring and training a diverse workforce across all levels who are representative of, and have language competence for, the local communities they serve. CDC's Social Vulnerability Index should be used to inform jurisdictional activities, strategies, and hiring.
- Ensuring the systematic collection of information about the activities, characteristics, and outcomes of programs, including COVID-19 pandemic response efforts, to inform current program decisions, improve program effectiveness, and make decisions about future program development.

Deliverables

- Work Plan: Within 60 days of the start of the performance period, recipients must submit work plans that describe their two-year approach for addressing the allowable activities, including procuring sufficient personnel to meet jurisdictional response needs for the COVID-19 pandemic, prioritizing hard-to-reach communities, focusing efforts on diversity, equity, and inclusion in hiring and recruiting workers from the local communities they serve. Recipients do not have to submit a needs assessment but must describe their approach to identifying workforce needs and the necessary skillsets at the state and local levels. CDC will provide a suggested work plan template. Recipients are not required to use the CDC template but will be required to submit all information included in the CDC work plan template. The work plan page limit is 10 pages, not including attachments that may be needed.
- Two-year Hiring Goals: As part of their work plans, recipients must project their hiring goals and priorities, including those of subrecipients, for the two-year performance period. The summary of hiring goals should include mitigation plans to address challenges in meeting these goals. Recipients should identify the community-based organizations they or their subrecipients will fund and the specific community(ies) those partners primarily support. This may be an attachment to the work plan and is not included in the page limit. A template will be available using the Research Electronic Data Capture (REDCap) system.
- Budget: Within 60 days of the start of the performance period, recipients must submit a two-year budget. This award will operate on a two-year budget and performance period. CDC will provide a suggested budget template. Recipients are not required to use the CDC template but must submit all information included in the CDC budget template.
- Progress and Fiscal Reports: Recipients must submit progress updates and fiscal reports every six months. Progress reports must include status in meeting hiring goals at recipient and subrecipient levels. Fiscal reports must summarize progress in obligating and spending the allotted funds. Reporting templates will be available using the REDCap system.

COVID CASH COMES WITH STRINGS ATTACHED

CDC Crisis Response Cooperative Agreement: COVID-19 Public Health Workforce Supplemental Funding Guidance

Measures and Metrics

- Progress toward meeting hiring goals including types of staff hired and the general roles they hold. Recipients must report these data for all staff, including those hired by subrecipients. CDC will provide a template for hiring projections and reporting via REDCap.
- Recipients should develop approximate goals and metrics regarding diversity of staff hired and equity and inclusion activities, and report on their progress against those measures.

Appendix 1: Available Funding

COVID-19 Crisis Response Cooperative Agreement Workforce Development Supplemental Funding	
Recipient	Total Award Amount
Alabama	\$29,676,838
Alaska	\$5,278,525
American Samoa	\$472,791
Arizona	\$43,570,409
Arkansas	\$18,649,972
California	\$173,376,888
Cherokee Nation	\$1,256,722
Chicago	\$16,756,027
Colorado	\$34,680,626
Connecticut	\$21,851,989
Delaware	\$6,695,170
Florida	\$126,615,000
Georgia	\$63,097,212
Guam	\$1,137,100
Hawaii	\$9,280,889
Houston	\$14,570,353
Idaho	\$11,451,854
Illinois	\$59,356,567
Indiana	\$40,374,153
Iowa	\$19,452,788
Kansas	\$18,038,850
Kentucky	\$27,129,696
Los Angeles County	\$59,714,865
Louisiana	\$28,189,003
Maine	\$8,861,778
Marshall Islands	\$496,179
Maryland	\$36,358,851
Massachusetts	\$41,311,592
Michigan	\$59,409,275

Recipient	Total Award Amount
Micronesia	\$815,660
Minnesota	\$33,984,032
Mississippi	\$18,406,348
Missouri	\$36,895,449
Montana	\$7,250,870
N. Mariana Islands	\$486,640
Nebraska	\$12,313,606
Nevada	\$19,014,644
New Hampshire	\$8,952,425
New Jersey	\$52,948,504
New Mexico	\$13,263,544
New York	\$66,017,548
New York City	\$49,758,827
North Carolina	\$62,340,758
North Dakota	\$5,457,007
Ohio	\$69,365,038
Oklahoma	\$23,036,076
Oregon	\$25,667,917
Palau	\$255,826
Pennsylvania	\$66,609,317
Philadelphia	\$10,264,579
Puerto Rico	\$19,678,685
Rhode Island	\$7,195,794
South Carolina	\$31,112,843
South Dakota	\$6,174,029
Tennessee	\$40,941,205
Texas	\$157,015,371
Utah	\$19,750,412
Vermont	\$4,649,471
Virgin Islands (U.S.)	\$760,742
Virginia	\$50,920,959
Washington	\$45,536,572
Washington, D.C.	\$5,127,654
West Virginia	\$11,481,577
Wisconsin	\$35,053,171
Wyoming	\$4,384,938
Total	\$2,000,000,000

NYSED'S DIRECTIVES → INCONSISTENT + LACKING DATA

They Were Wrong Every Single Time

The NYS Education Dept (NYSED) has been imposing conflicting directives upon schools and threatening our tax payer school funds for our children:

- ▶ March 2020 we need to shut down, it's only 15 days -- which turned into an entire school year.
- ▶ Schools opened in September but kids had to be 6 feet apart.
- ▶ 6 feet changed to 3 -- but kids still had to wear masks outside on the playground.
- ▶ NYSED ordered schools to follow NYSDOH and make temperature checks -- later no temperature checks.
- ▶ All doorknobs and surfaces had to be cleaned daily – but not anymore.
- ▶ Plexiglass screens had to be used – but they obstructed proper ventilation.
- ▶ June 8, 2021 Gov Cuomo & NYSDOH Commissioner Zucker said the masks can come off -- but NYSED caved to Teacher Union demands and overruled the Gov & DOH by threatening school funds to keep kids masked.
- ▶ Sept 2021 Schools followed NYSED's mask rule for kids, but in Oct 2021 NYSED released a secret memo to Superintendents allowing Administration and BOE to be mask-optional for their meetings held after dismissal.
- ▶ Quarantine was 10 days, now it's 5.
- ▶ Supposedly cloth masks protected you for 2 years (but now they don't?) – so now they say to wear N95's... which our kids may soon have to wear.

TURNING SCHOOLS INTO MEDICAL FACILITIES

- PCR Tests expiring Jan 31, 2022
- BOCES claimed FDA gave extension for use
- FDA denies giving extension

DO NOT COMPLY WITH COVID SCHOOL TESTING

NYS Public Health Law 2120

It is illegal for schools to medically test children
Governor is circumventing the law by having parents administer the test, or some districts have contracted with labs

NYS AGENCIES + SCHOOLS ARE IN LOCKSTEP

TO MANIPULATE US INTO COMPLIANCE

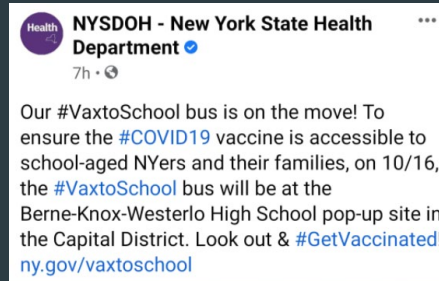
ILLEGAL MANDATES AND REQUIREMENTS ARE IMPOSED WITH NO LEGISLATIVE AUTHORITY, NO METRICS DATA, AND NO SAFETY DATA REVIEWS

TESTING PUSH WILL LEAD TO VACCINATION UNDER IMPLIED CONSENT

- | | |
|--|---|
| ▶ UNVACCINATED CHILDREN WILL FACE DISCRIMINATION AND BE OSTRACIZED | ▶ POWER GRAB OF AUTHORITARIAN GOVERNMENT MUST STOP |
| ▶ CHILDREN WILL BE SUBJECT TO BOOSTERS AT THE STATES' DISCRETION | ▶ RESTRICTIVE GOVERNMENT CONTROL DOES NOT PROTECT PUBLIC HEALTH |
| ▶ FUTURE VARIANTS ENSURE MASKING + RESTRICTIONS WILL NOT END | ▶ MANDATES ARE SPECIAL INTERESTS' TAX \$\$\$ MONEY GRAB |
| ▶ OMICRON – MILD & BRIEF FOR MOST | ▶ LET NYS ED THREATEN TO WITHHOLD SCHOOL FUNDS – IT'S OUR TAX \$\$\$ MONEY AND TWO CAN PLAY THAT GAME |

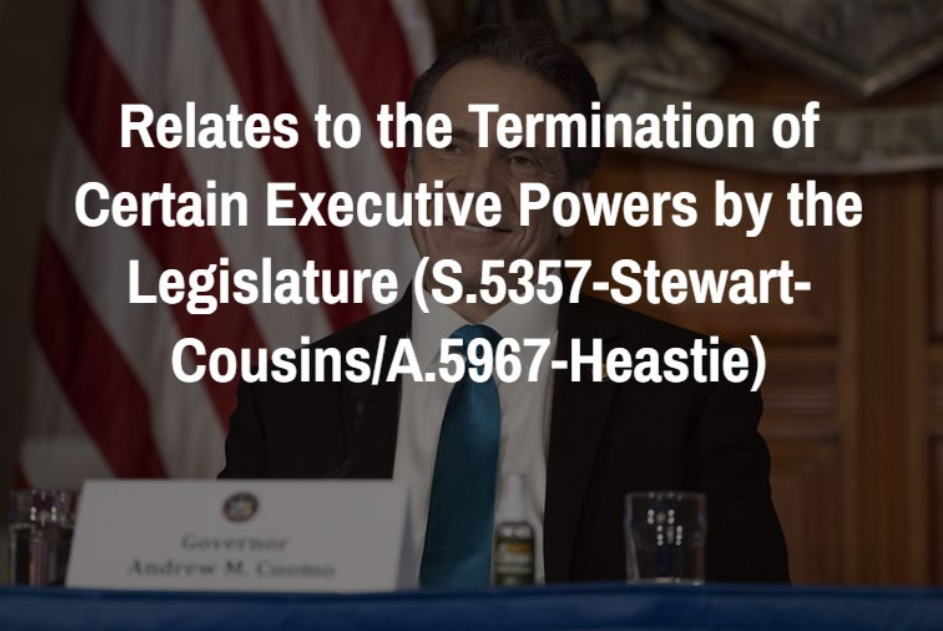
PROTECT YOUR RIGHTS + STAND UP FOR YOUR CHILDREN
DO NOT COMPLY! DO NOT ACCEPT THE TEST
MAKE YOUR VOICE HEARD – EMAIL YOUR DISTRICT & POLITICIANS

THIS STOPS NOW



Picture posted August 31, 2021

GOV CUOMO'S BROAD EXECUTIVE "MANDATE POWERS" WERE LAWFULLY TERMINATED BY THE ASSEMBLY THE BROAD POWER DID NOT TRANSFER TO GOV HOCHUL



Relates to the Termination of
Certain Executive Powers by the
Legislature (S.5357-Stewart-
Cousins/A.5967-Heastie)

<https://www.governor.ny.gov/news/novel-coronavirus-briefing-governor-cuomo-declares-state-emergency-contain-spread-virus>

<https://www.nysenate.gov/legislation/bills/2021/A5967>

https://www.albanyupdate.com/relates-to-the-termination-of-certain-executive-powers-by-the-legislature-s-5357-stewart-cousins-a-5967-heastie/?fbclid=IwAR2nkd7IG8wX8B_TrG81SiIJFOoC-TSHM-NAGRCaovKcvm09IMsje7XlaWQ

CUOMO VS HOCHUL

In March 2020 Governor Cuomo signed a State Disaster Emergency Declaration to bring in Federal assistance. Subsequently, the NYS Assembly voted to give Governor Cuomo full-reign with broad executive powers, these temporary powers were later TERMINATED by a NYS Assembly Bill (Sponsored by Heastie, A5967) which Governor Cuomo signed into Law on 3/07/2021 and Cuomo's State Disaster Emergency Declaration ended in June 2021 and the mandates ended.

It must be remembered that Governor Cuomo's temporary powers were lawfully terminated and they did not transfer to Governor Hochul.

In contrast, on 9/27/2021 Governor Hochul signed an E.O. specific to Healthcare Staffing Shortages. And later she proceeded to direct the New York State Department of Health to issue determinations on masking. She did this despite the fact that she did not inherit Cuomo's broad powers, which were lawfully Terminated.

The NYSDOH is an agency and agencies don't make laws – agencies have a limited scope of authority. Agencies have the limited authority to make and uphold regulations needed to enforce and to put Laws into effect, but agencies do not make Laws. Laws can only be proposed and passed by elected members of the NYS Assembly and signed into Law by a Governor.

There's a big difference and it needs to be repeated: the regulations and determinations issued by Agencies have to be based on existing Laws.

There is no LAW, passed in the NYS Assembly, and signed by a Governor, that requires Masks anywhere, not at school, not inside a business – nowhere. That is why in December Governor Hochul said at a press conference that she can't enforce masking and "left it to the counties to enforce, so counties can choose not to enforce."

NYSDOH determinations that are not based on a Law are illegal and unenforceable.



SAYING SOMETHING DOESN'T MAKE IT A LAW



In December

**Unelected
Gov Hochul**
said that she

***CAN'T
ENFORCE
MASK
MANDATES***



**WHY? Because it's *NOT A LAW*
and instead, she is illegally
threatening school aid.
That's our school tax \$\$\$**

STOP COMPLYING NOW! *Don't Be Part of the Problem*

A MANDATE IS NOT A LAW!

mandate
mān'dāt
noun
1. An authoritative command or instruction.

You are not my Kings that will command me!
I do not give you authority to violate the 14th Amendment and force vaccinations or masks against my right to free will and liberty!

14th Amendment
Section 1.
All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. **No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law;** nor deny to any person within its jurisdiction the equal protection of the laws.

I AM LAWFULLY EXEMPT FROM GOV HOCHUL'S REQUIREMENT

GOV HOCHUL MADE AN ANNOUCEMENT OF A REQUIREMENT – A REQUIREMENT IS NOT A LAW, OR A DOH MANDATE, OR AN EXECUTIVE ORDER – IT IS A SUGGESTION

THE FOLLOWING OFFICIALS SAID THEY
WILL NOT ENFORCE THE REQUIREMENT

Governor Hochul Suffolk Cty Exec Steve Bellone
Nassau Cty Exec Laura Curran New Nassau Cty Exec Bruce Blakeman

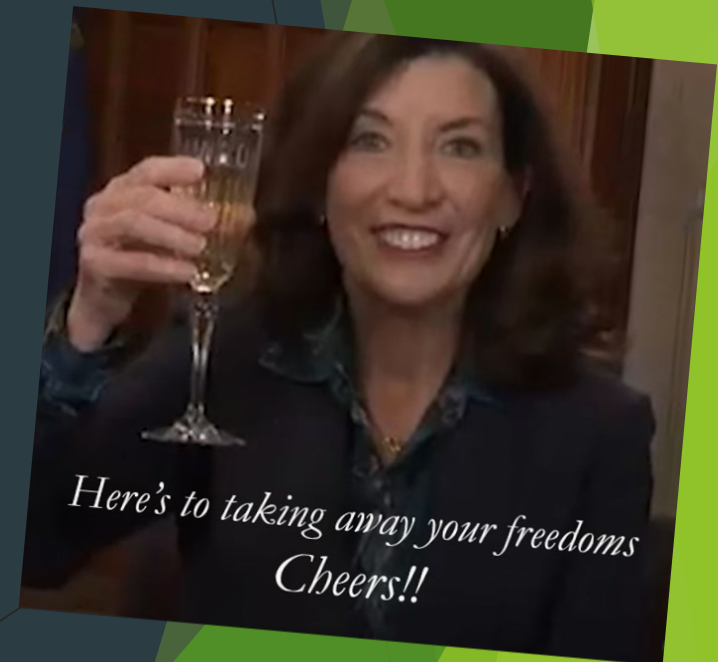
**UNDER FEDERAL CODE TITLE III REG 28 BUSINESSES ARE
PUBLIC ACCOMMODATIONS**

**MUST BE OPEN TO ALL OF THE PUBLIC
MAY NOT DENY PARTICIPATION**

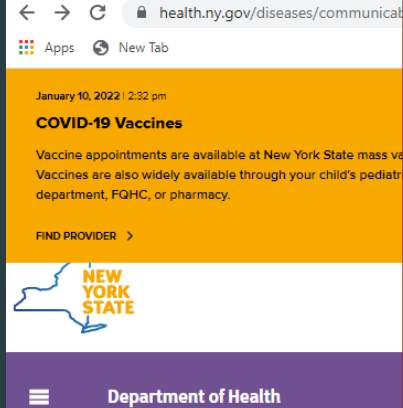
**BUSINESSES MAY NOT DISCRIMINATE OR FORCE COMPLIANCE
OF UNCONSTITUTIONAL AND ILLEGAL ORDERS**

The US Constitution and Bill of Rights are the Supreme Law of the land, and may not be violated by any federal, state or county law or order. The Constitution can't be suspended due to an Emergency, Martial Law or War.

- **9TH AMENDMENT of the US CONSTITUTION** - The enumeration of certain rights shall not be construed to deny or disparage others retained by the people.
- **14TH AMENDMENT of the US CONSTITUTION** - Section 1. No state shall make or enforce any law which shall abridge the privileges of the citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny any person equal protection of the laws.
- **CIVIL RIGHTS ACT OF 1964** – All persons have a legal right to enter and be served
**BUSINESSES ARE OPEN TO THE PUBLIC – A CHARGE OF TRESSPASS IS A FALSE ACCUSATION
PERSONAL MEDICAL STATUS DOES NOT HAVE TO BE DISCLOSED TO A BUSINESS**



CDC N95 INTERIM GUIDANCE + NYSDOH POSITION STATEMENT



3. Neither N95 respirators nor surgical masks provide complete protection against infection from the influenza virus.

- o Healthcare workers must be thoroughly educated on the benefits and limitations of N95 respirators and surgical masks and how to use them most effectively.
- o Special care needs to be taken that N95 respirator use does not result in individuals becoming lax about other infection control issues.
- o The interim guidance begs the question of why N95 respirators are not recommended for protection against seasonal flu if they are believed to be the prudent choice, resulting in an inconsistent message to healthcare workers and an inaccurate public perception of the risk of exposure.

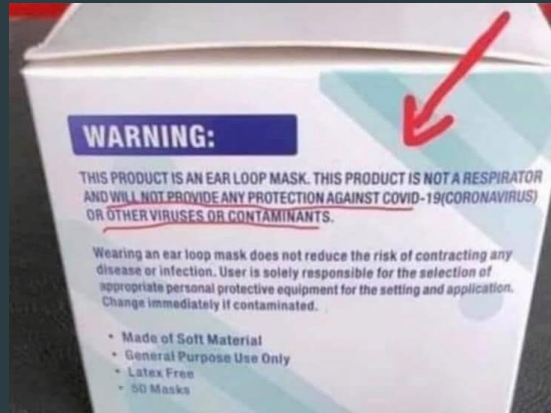
Home Page > Influenza Information for Health Care Providers > N95 Interim Guidance: NYSDOH Position Statement

N95 Interim Guidance: NYSDOH Position Statement

1. DOH has a number of concerns about CDC's interim guidance on N95 respirator use by healthcare workers during a pandemic, including the lack of a solid evidence base for the recommendations, the possible adverse impact that focusing on respiratory protection will detract from other, more important infection control measures, and the difficulties with stockpiling sufficient N95 respirators and fit testing all staff who would use them.

- o As with other aspects of federal pandemic influenza recommendations with which DOH is not in complete agreement (i.e. current antiviral and vaccine prioritization schemes), DOH will incorporate this interim guidance into the state pandemic planning effort but will continue to raise these concerns to the federal government to influence subsequent updates of the federal guidance.
- o We recognize that the guidance is labeled as "interim" and thus may change, particularly if epidemiological data from a true pandemic becomes available showing use of N95 respirators is not necessary.
- o We are asking hospitals to relay their specific concerns regarding the guidance to the Department, and we will raise them with CDC.

2. It is important for healthcare providers to have NIOSH-approved N95 respirators available for all employees who will be working in high risk situations—such as performing intubation on a suspected or confirmed pandemic flu patient—and surgical masks for all others involved in direct care of a pandemic flu patient.



INEXCUSABLE CONTRADICTION
DOH admits that masks don't work but continue to force our children to wear them without breaks

Why were "mask breaks" eliminated for our School Children?

December 10, 2021

NYSDOH Commissioner Mary Bassett issues an extension of Determination 10NYCRR2.60 adding **Indoor Masking** For NYS and specifically

ELIMINATE MASK BREAKS FOR ALL SCHOOL CHILDREN

Since the start of the outbreak the "mask breaks" were always permitted and deemed **NECESSARY** in a K - 12 School setting.



DOH Commissioner Bassett - The CDC Director & Dr. Fauci just said that MASKS DO NOT WORK!

why are you requiring it for our kids?

https://www.health.ny.gov/diseases/communicable/influenza/n95_interim_guidance.htm

<https://regs.health.ny.gov/volume-title-10/content/section-260-face-coverings-covid-19-prevention>

NYS HOLDING THE LINE

The Coordinated Response to Dismiss Nassau Cty Exec Blakeman's E.O.
While Ignoring Our Constitutional Rights Came From



Governor Hochul
Local Politicians
NYSED Commissioner Rosa
Superintendents of Schools
School Boards Associations
Boards of Education

Nassau County E.O. 1-2022
Protecting Fundamental Rights of all Parents
to Make Health and Education Decisions for their Children

Nassau County E.O. 1-2022

Protecting Fundamental Rights of all Parents to Make Health and Education Decisions for their Children



PERSONAL CHOICE

Bruce Blakeman signed 3 Executive Orders today, January 6, 2022

- Ordering all school boards to make a vote - bringing choice back to parents to wear masks
- Ordering Nassau County DOH, NCPD, & Fire Marshall not to ENFORCE mask mandates from NYS
 - All county workers effective immediately, inside or outside, *no mask mandate*.



Blakeman is providing N95s upon request from the districts to school faculty & staff.

There is no excuse to close schools.

He is also making test kits available and reopening up V sites for those who want access to them.

TELL BELLONE TO STAND WITH BLAKEMAN
county.executive@suffolkcountyny.gov or
631.853.4000

URGENT CALL TO ACTION BRUCE BLAKEMAN'S E.O.

BOARDS VOTE MASK OPTIONAL

STAND UP FOR OUR RIGHTS WITH BLAKEMAN

GOV HOCHUL + NYSED ARE WORKING TO UNDERMINE BLAKEMAN'S EXECUTIVE ORDERS BY THREATENING SCHOOL FUNDS, *NOT LEGAL ACTION* - GOV SHOWS SHE HAS NO LEGAL GROUND AND NYSED IS HER TOOL TO FORCE DISCRIT COMPLIANCE - SCHOOL BOARD MEMBERS TOOK AN OATH TO:

**UPHOLD THE U.S. CONSTITUTION
FOLLOW FEDERAL, STATE & COUNTY LAWS
PROTECT OUR RIGHTS**

ALL MUST REMEMBER

- THE U.S. CONSTITUTION IS THE SUPREME LAW OF THE LAND
- NO LAW OR E.O. CAN VIOLATE THE U.S. CONSTITUTION
- POWERS NOT GIVEN TO THE STATE ARE RETAINED BY THE PEOPLE
- CDC GUIDANCE IS NOT LAW. MANDATES ARE NOT LAWS
- ENFORCEMENT OF UNLAWFUL MANDATES IS COERCION

ENFORCEMENT OF UNLAWFUL MANDATES IS A VIOLATION OF

U.S. CONSTITUTION

9th AMENDMENT- ENUMERATION OF RIGHTS

14th AMENDMENT-NO LAW MAY ABRIDGE PRIVILEGE OR DEPRIVE DUE PROCESS, OR DENY EQUAL PROTECTION OF LAWS

5 U.S. CODE 7311 LOYALTY AND STRIKING

18 U.S. CODE 241 CONSPIRACY AGAINST RIGHTS

18 U.S. CODE 242 DEPRIVATION OF RIGHTS

21 U.S. CODE 360bbb-3 CONDITIONS OF EUA MEDICAL DEVICE

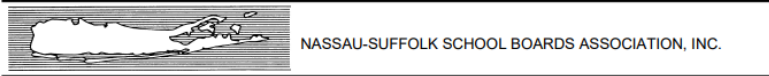
THE COVID GUIDELINES ARE UP TO THE BOARD >>> If our Board does not make masks optional, they have assumed PERSONAL LIABILITY for any harm caused by masking -- due to enforcement of an UNLAWFUL mandate; and coercion of use of an unapproved medical device (mask) under EUA; Deprivation of Rights

CONTACT YOUR SCHOOL BOARD + SUPERINTENDENT ASAP

Emails should be addressed "President and Members of the School Board"
close your email with your full name or it may not be acknowledged.

N-SSBA + NYSSBA + NYS DEMOCRATIC ASSEMBLY + NYSUIT ALL IN LOCKSTEP TO PRESSURE SCHOOL BOARDS

GOV HOCHUL → 1. "STATE LAWS PREVAIL" ...WHICH LAWS??
2. THREATENS SCHOOL FUNDS



NASSAU-SUFFOLK SCHOOL BOARDS ASSOCIATION, INC.

MAILING ADDRESS: P.O. BOX 385, Bellmore, NY 11710-0385
OFFICE: 219 Bedford Avenue, Bellmore, NY 11710-0385
MICHAEL J. KELLY, PRESIDENT

Tel (516) 781-2053 Fax (516) 679-0401
e-mail: info@nssba.org
LORRAINE DELLER, EXECUTIVE DIRECTOR

January 6, 2022

The Honorable Bruce A. Blakeman
Office of the County Executive
1550 Franklin Avenue
Mineola, New York 11501

Re: Executive Order Number 1-2022
(Protecting Fundamental Rights of all Parents to Make Health and Education
Decisions for their Children)

Dear County Executive Blakeman:

New York State Education Law is clear as to who has authority over schools. Public school governance is vested in duly elected boards of education, the Commissioner of Education, New York State Board of Regents, Governor of the State of New York, and New York State Legislature. Nassau County's boards of education are creations of New York State government and not the County of Nassau.

I call your attention to the word "comity", a term with which you as a former legislator should be familiar. Comity defines the relationship between sovereign governments...governments respecting one another's jurisdictions, respecting one another's powers, giving due deference to one another's authority. Principles of comity prevent a County Legislature or Executive from usurping the governance roles of duly elected boards of education.

Counties have no more authority to direct school board matters than do schools to legislate county affairs. The rules of comity are designed to prevent regulatory and legislative chaos. Nassau-Suffolk School Boards Association calls upon you to withdraw your directive "that all Boards of Education in the County of Nassau vote in the month of January two thousand and twenty-two to determine whether or not parents and children should be granted the constitutional right to reject mask mandates while in the classroom."

Sincerely,

Michael J. Kelly, President



BLAKEMAN ON MASK MANDATES:

IT'S UP TO THE SCHOOLS

New Nassau exec signs order letting districts decide

Hochul, education commish say schools must obey state rule

A2-4 | VIDEO, UPDATES AT NEWSDAY.COM



County Executive Bruce Blakeman signs executive orders Thursday.

Why is she threatening to withhold school funds if the mandates are LAWFUL??

DAILY@NEWS SUBSCRIBE 4 wks/99c LOG IN
COVID cases surged. The mask mandate was recently renewed through Feb. 1, but Hochul has said it's up to individual counties to enforce the edict.

On Thursday, Hochul dismissed Blakeman's attempt to defy common-sense health measures mid-pandemic, stating simply that "state laws prevail" before making a veiled threat about withholding education funds.

"There is also the issue of the state Education Department, which has direct control over funding of schools," she said. "I hope I don't need to say any more on that topic."

Face coverings in classrooms became a point of contention nationwide late last year as opposition from parents and anti-maskers led to heated school board meetings across the U.S.



NEW YORK STATE ASSEMBLY

Assemblymember
Charles D. Lavine, 13th A.D.

Albany Office
LOB 831
Albany, NY 12248
518-455-5456

District Office
1 School Street / Suite 303-B
Glen Cove, NY 11542
516-676-0050

FOR IMMEDIATE RELEASE

Assemblymember Lavine Stands with New York State Governor Hochul and Nine Nassau State Legislators to Protect Our Kids

January 7, 2022

Senator Todd Kaminsky, Senator Anna Kaplan, Senator Kevin Thomas, Senator Jim Gaughran, Senator John Brooks, Assemblymember, Michaele Solages, Assemblymember Chuck Lavine, Assemblymember Judy Griffin, Assemblymember Taylor Darling, and Assemblymember Gina Sillitti issued the following statement in response to County Executive Bruce Blakeman's press conference yesterday:

"Over the past two years 3,435 of our friends, neighbors and loved ones in Nassau County have died from COVID-19. We are grateful Governor Hochul has required the simple precaution of masks in schools to keep our schools open and our kids safe. At this point in the pandemic, when pediatric hospitalizations are spiking at dangerous levels, it would be the height of irresponsibility to ignore Governor Hochul's vital efforts to protect public health.

"We are confident the school districts of Nassau County will continue acting responsibly in the coming days, as they had no input in the County Executive's actions. For the sake of our children, teachers, and school personnel, County Executive Blakeman must immediately rescind his irresponsible and clearly unlawful executive order."

###

Assemblymember Charles Lavine represents New York's 13th Assembly District in Nassau County. He presently serves as Chair of the Judiciary Committee and is a member of the Committee on Codes, Ethics and Guidance, Rules and Insurance. Lavine previously served as Chair of the Election Law Committee, Chair of the Committee on Ethics and Guidance, co-Chair of the New York State Legislative Ethics Commission and as Chair of the bipartisan Taskforce that produced the Assembly Speaker's Policy on Sexual Harassment, Retaliation, and Discrimination.

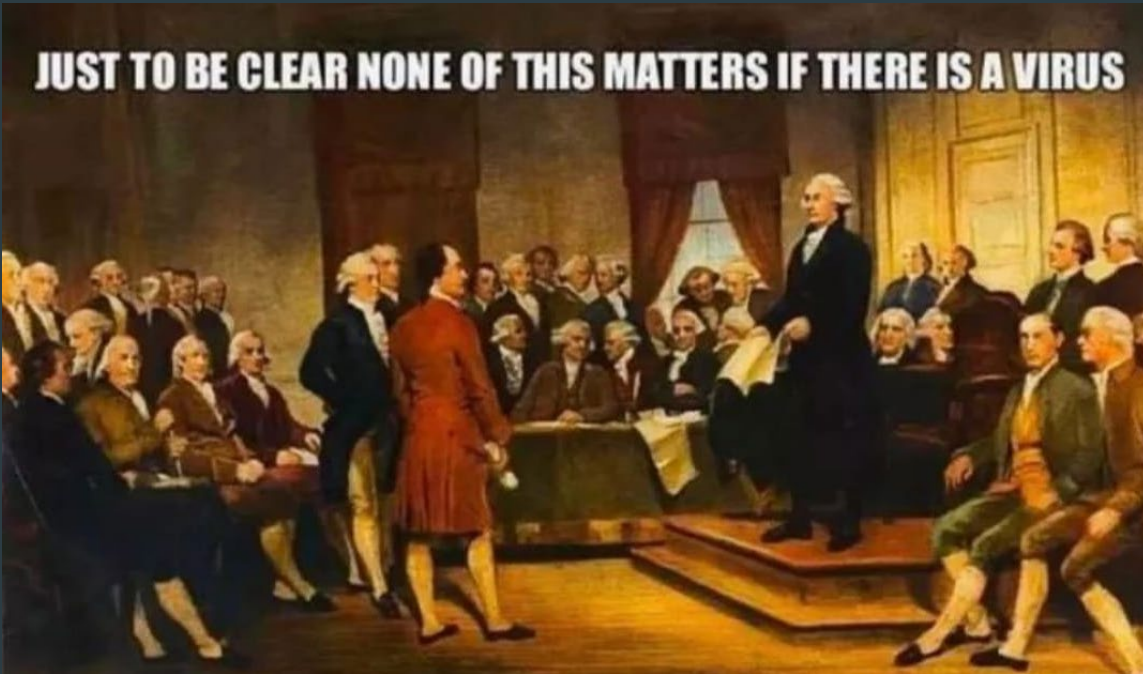
###

<https://www.newsday.com/long-island/nassau/blakeman-schools-mask-mandate-1.50469326>

http://nssba.syntaxcom.com/NewsAssets/145503/011222_Cnty_Exec_B_Blakeman_-_Letter_re_Exec_Order_-_MKelly_-_Jan_6_2022.pdf

<https://nyassembly.gov/mem/Charles-D-Lavine/story/100410>

NYSED Commissioner Rosa Admonishes School Boards to “follow all legal requirements”



NYSED Commissioner Rosa’s Statement (1/06/2022) on Nassau Cty Exec Blakeman’s Executive Order 1-2022 Protecting Fundamental Rights of all Parents to Make Health and Education Decisions for their Children (1/06/2022)

Rosa: “State Education Department expects school boards **will follow all legal requirements, including the face-covering regulation.**”

Under the authority of Public Health Law § 206, the COVID-19 face-coverings regulation (10 NYCRR 2.60), and the Commissioner of Health’s determinations dated August 26 and December 10, 2021, counties are required to enforce school masking regulations. The regulation, which applies to schools and many other sectors, requires local health departments to enforce school mask mandates (10 NYCRR 2.60 [f] [ii]). The Commissioner of Health can additionally direct the local health department to enforce the regulation under the Public Health Law.

Counties do not have the legal authority to require boards of education to vote on specific issues. School officers take an oath to obey all legal requirements. The State Education Department expects school boards **will follow all legal requirements**, including the face-covering regulation.

“all legal requirements” Commissioner Rosa?

Does all include...

US CONSTITUTION

BILL OF RIGHTS

NYS CONSTITUTION

NYS HUMAN RIGHTS LAWS

ADA + USC TITLE 21 EUA



NYS EXECUTIVE BRANCH IS USURPING THE LAW-MAKING POWER THAT BELONGS TO THE ELECTED NYS ASSEMBLY

Unelected Agencies Don't Make Laws

- ✓ LAWS ARE PASSED IN THE NYS ASSEMBLY + SIGNED INTO LAW BY A GOVERNOR
- ✓ AGENCIES EXIST TO PUT LAWS INTO EFFECT THROUGH REGULATIONS + POLICIES
- ✓ AGENCIES HAVE LIMITED SCOPE OF AUTHORITY + REGULATIONS MUST CARRY OUT THE INTENT OF LEGISLATION
- ✓ REGULATIONS, POLICIES + DETERMINATIONS MUST BE IN LINE WITH ALL EXISTING FEDERAL AND STATE LAWS [CONSTITUTION, BILL OF RIGHTS]
- ✓ USING REGULATIONS TO “MAKE LAW” IS UNDEMOCRATIC + PROVIDES POLITICAL COVER



NYS DOH IS BYPASSING THE LEGISLATIVE PROCESS TO MAKE TEMPORARY RULES PERMANENT

By Using the State Administrative Procedure Act (SAPA)
And the approval of the Administrative Regulations Review Commission (ARRC)

State Administrative Procedure Act (SAPA)

- SAPA governs the rule making process in New York
- SAPA establishes a three-step process for all rule making activities of a permanent nature. To adopt a new rule, or to amend or repeal an existing rule, you must:
 1. Propose it through publication of a notice in the **New York State Register**
 2. The NYS Senate's Administrative Regulations Review Commission (ARRC) Receive and consider public comment; and
 3. Adopt the rule by filing the full text with us for incorporation into the NYCRR, along with a Notice of Adoption (again, for publication in the State Register). Remember, state agencies (NYSDOH) subject to the Governor's executive control must obtain approval through the Executive Chamber before submitting a proposal to us for publication in the State Register. Consensus rules are excepted.



The New York State Senate

Administrative Regulations Review Commission (ARRC)

LEGISLATIVE COMMISSIONS

The New York State Legislature passes statute that grants authority to a state agency to promulgate rules and regulations....

ISSUE OF CONCERN

**Use of SAPA; and NYSED Policy
Amendments to circumvent the LAWFUL
established democratic Legislative process
to make Health Emergency Regulations
PERMANENT**

<https://www3.dps.ny.gov/W/PSCWeb.nsf/ArticlesByTitle/12CF2646FACD05D885257687006F3AAD>

<https://www.nysenate.gov/committees/administrative-regulations-review-commission-arrc>

NYS DOH CIRCUMVENTING THE LEGISLATIVE PROCESS



SAPA + Administrative Regulations Review Commission (ARRC)

Go To <https://www.peoplescoalitionforny.org/sapa>

Proposed Regulations

NEW YORK STATE DEPARTMENT OF HEALTH

The regulatory process in the State of New York is governed primarily by Article 2 of the State Administrative Procedure Act (SAPA). This process is administered in the Department of Health by the Regulatory Affairs Unit.

12/15/2021	02/14/2022		Amendment of Part 2, Section 405.3 and Addition of Section 58-1.14 to Title 10 NYCRR (Investigation of Communicable Disease; Isolation and Quarantine)
12/15/2021	02/14/2022		Amendment of Section 2.60 of Title 10 NYCRR & Repeal of Subpart 66-3 of Title 10 NYCRR (Face Coverings for COVID-19 Prevention)
12/15/2021	02/14/2022		Amendment of Section 415.3 of Title 10 NYCRR and Addition of Section 485.18 to Title 18 NYCRR (Personal Caregiving and Compassionate Caregiving Visitors in Nursing Homes and Adult Care Facilities)
12/15/2021	02/14/2022		Addition of Section 2.61 to Title 10 NYCRR, Amendment of Sections 405.3, 415.19, 751.6, 763.13, 766.11, 794.3 & 1001.11 of Title 10 NYCRR & Sections 487.9, 488.9 and 490.9 of Title 18 NYCRR (Prevention of COVID-19 Transmission by Covered Entities)

New York State Department of Health
Bureau of Program Counsel, Regulatory Affairs Unit
Corning Tower, Empire State Plaza, Rm. 2438
Albany, New York 12237-0031
Phone: (518) 473-7488
FAX: (518) 473-2019
regsqa@health.ny.gov
Attention: Katherine Ceroalo

Questions or comments: regsqa@health.ny.gov

<https://www.nysenate.gov/committees/administrative-regulations-review-commission-arrc>

https://regs.health.ny.gov/regulations/proposed-rule-making?fbclid=IwAR1Im1mKkQ_uCPFTUakc-MsmL2CYcRvXYnQAYQP8KZr-Q4mmKNQPbPNTmE

https://dos.ny.gov/system/files/documents/2021/12/121521.pdf?fbclid=IwAR2S_0KMd1F6XoeAU7NgXN8xt1qOpbsuJtmPQUlqqGGcWT4tcd1LyBqTDjY

December 15, 2021
Vol. XLIII
Issue 50

DEPARTMENT OF STATE
Division of Administrative Rules

NEW YORK STATE REGISTER

Health, Department of

- 4 / Prevention of COVID-19 Transmission by Covered Entities (EP)
- 8 / Investigation of Communicable Disease; Isolation and Quarantine (EP)
- 10 / Face Coverings for COVID-19 Prevention (EP)

The Administrative Regulations Review Commission (ARRC) reviews newly proposed regulations to examine issues of compliance with legislative intent, impact on the economy, and impact on affected parties. In addition to sending comments or recommendations to the agency, please do not hesitate to transmit your views to ARRC:

Administrative Regulations Review Commission
State Capitol
Albany, NY 12247
Telephone: (518) 455-5091 or 455-2731

PHONE #'S
DON'T WORK

NYS DOH CIRCUMVENTING THE LEGISLATIVE PROCESS

Administrative Regulations Review Commission (ARRC) of the NYS Senate

ARRC Chairman → NYS Senator Simcha Felder (D) 17th



Contact Senator Simcha Felder 's Office

DISTRICT OFFICE

1412 Avenue J,
Suite 2E
Brooklyn, NY 11230
Phone: (718) 253-2015
Fax: (718) 253-2030

[map](#)

ALBANY OFFICE

809 Legislative Office Building
Albany, NY 12247
Phone: (518) 455-2754
Fax: (518) 426-6931

[map](#)

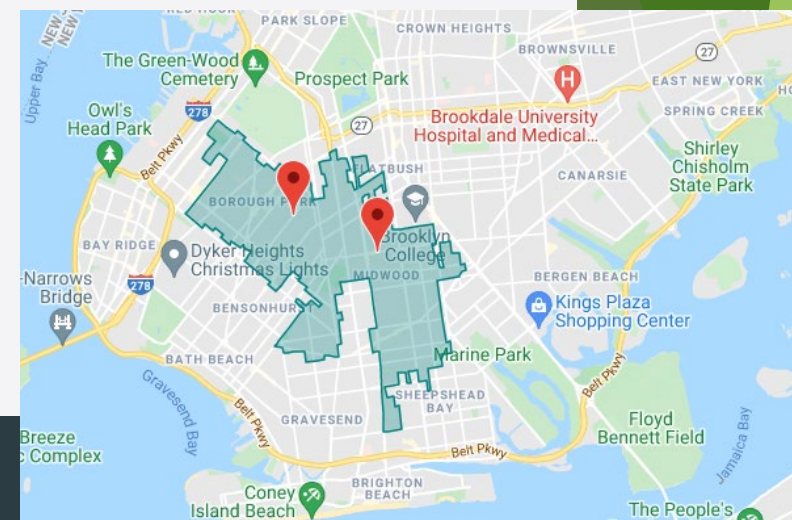
2ND DISTRICT OFFICE

4623 16th Avenue
Brooklyn, NY 11219
Phone: 718-484-3216
Fax: 718-253-2030

[map](#)

EMAIL ADDRESS:

felder@nysenate.gov



<https://www.nysenate.gov/committees/administrative-regulations-review-commission-arrc>

<https://www.nysenate.gov/senators-committees>

<https://www.nysenate.gov/senators/simcha-felder/contact>

NYS DOH Proposed Reg + NY State Register, Emergency Proposal (EP)

Proposed Regulations

NEW YORK STATE DEPARTMENT OF HEALTH

The regulatory process in the State of New York is governed primarily by Article 2 of the State Administrative Procedure Act (SAPA). This process is administered in the Department of Health by the Regulatory Affairs Unit.

To initiate a regulatory proposal, SAPA requires submission of a Notice of Proposed Rulemaking to the Secretary of State for publication in the [New York State Register](#). If no public hearing is required, the notice must precede adoption by at least 60 days (45 days for revised rulemaking). Publication by the Secretary of State is the primary means of giving notice of proposed actions. However, any person or entity may file a standing request to receive notices from the Department directly.

If the text of the proposed notice exceeds 2,000 words, only a description of the subject purpose or substance of the rule will be published in the [New York State Register](#). Similarly, if the text of the Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and/or the Job Impact Statement exceeds 2,000 words a summary is required. To ensure the widest possible and most timely outreach, in conjunction with submission to the Secretary of State, the Department will post the complete version of all regulatory notices at this website including those exceeding 2,000 words.

These postings are equivalent to the corresponding official regulatory notices which are published in the [New York State Register](#). However, the Compilations of [Title 10](#) and [Title 18](#), which are located elsewhere in this website, are a current copy intended for informational use only. These compilations, although as accurate as possible, do not constitute an "official" copy. The "official" copy of the regulation is only available from [Thomson Reuters](#).

Questions or comments on the material posted at this website should be directed to:

New York State Department of Health
Bureau of Program Counsel, Regulatory Affairs Unit
Corning Tower, Empire State Plaza, Rm. 2438
Albany, New York 12237-0031
Phone: (518) 473-7488
FAX: (518) 473-2019
regsqa@health.ny.gov
Attention: Katherine Ceroalo

Questions or comments: regsqa@health.ny.gov

Proposed Rule Making

Publication Date	Comment Period Expiration	
01/05/2022	03/07/2022	Amendment of Section 505.3(d)(2) of Title 18 NYCRR (Prescription Refills)
12/15/2021	02/14/2022	Amendment of Part 2, Section 405.3 and Addition of Section 58-1.14 to Title 10 NYCRR (Investigation of Communicable Disease; Isolation and Quarantine)
12/15/2021	02/14/2022	Amendment of Section 2.60 of Title 10 NYCRR & Repeal of Subpart 66-3 of Title 10 NYCRR (Face Coverings for COVID-19 Prevention)
12/15/2021	02/14/2022	Amendment of Section 415.3 of Title 10 NYCRR and Addition of Section 485.18 to Title 18 NYCRR (Personal Caregiving and Compassionate Caregiving Visitors in Nursing Homes and Adult Care Facilities)

New York State Register

December 15, 2021/Volume XLIII, Issue 50

KEY: (P) Proposal; (RP) Revised Proposal; (E) Emergency; (EP) Emergency and Proposal; (A) Adoption; (AA) Amended Adoption; (W) Withdrawal

Individuals may send public comment via electronic mail to those recipients who provided an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings. Choose pertinent issue of the *Register* and follow the procedures on the website (www.dos.ny.gov)

Rule Making Activities

Financial Services, Department of

- 1 / Financial Statement Filings and Accounting Practices and Procedures; Risk-Based Capital (A)
- 2 / Debt Collection by Third-Party Debt Collectors and Debt Buyers (P)

Health, Department of

- 4 / Prevention of COVID-19 Transmission by Covered Entities (EP)
- 8 / Investigation of Communicable Disease; Isolation and Quarantine (EP)
- 10 / Face Coverings for COVID-19 Prevention (EP)
- 12 / Personal Caregiving and Compassionate Caregiving Visitors in Nursing Homes (NH's) and Adult Care Facilities (ACF's) (EP)

Public Service Commission

- 14 / Submetering of Electricity (A)
- 15 / Submetering of Electricity and Waiver Request (A)
- 16 / Petition for Waiver of Cable Television Franchise Provisions (A)
- 16 / Request for CPCN and a Lightened Regulatory Regime (A)
- 16 / Motion for Waiver (A)
- 16 / Transfer of Street Lighting Facilities (A)
- 17 / Notice of Intent to Submeter Electricity and Request for Waiver (P)
- 17 / Implementation of the Host Community Benefit Program (P)
- 17 / Notice of Intent to Submeter Electricity (P)
- 18 / Implementation of the Host Community Benefit Program (P)
- 18 / Notice of Intent to Submeter Electricity (P)
- 18 / New York City's Proposal to Procure Tier 4 Renewable Energy Certificates (P)
- 19 / Implementation of the Host Community Benefit Program (P)
- 20 / Transfer of Street Lighting Facilities (P)
- 20 / Submetering of Electricity and Waiver Request (P)
- 20 / Notice of Intent to Submeter Electricity (P)

Hearings Scheduled for Proposed Rule Makings / 22

Action Pending Index / 23

Securities Offerings

73 / State Notices

NYS DOH → UTILIZING SAPA

Turning Emergency Regulation into a *PERMANENT* Binding Rule

Face Coverings for COVID-19 Prevention

Effective date: 11/24/21

Pursuant to the authority vested in the Public Health and Health Planning Council and the Commissioner of Health by Sections 201, 206, and 225 of the Public Health Law, Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended by repealing Subpart 66-3 and repealing and replacing Section 2.60, to be **effective upon filing with the Secretary of State**, to read as follows:

Subpart 66-3 is hereby repealed.

Compliance Schedule:

The regulations will become effective upon filing with the Department of State and will expire, unless renewed, 90 days from the date of filing. As the COVID-19 pandemic is consistently and rapidly changing, it is not possible to determine the expected duration of need at this point in time. The Department will continuously evaluate the expected duration of these emergency regulations throughout the aforementioned 90-day effective period in making determinations on the need for continuing this regulation on an emergency basis or issuing a notice of proposed ruling-making for permanent adoption. This notice does not constitute a notice of proposed or revised rule making for permanent adoption.

Compliance Schedule:

The regulations will become effective upon publication of a Notice of Adoption in the New York State Register.

Pursuant to the authority vested in the Public Health and Health Planning Council and the Commissioner of Health by Sections 201, 206, and 225 of the Public Health Law, Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended by repealing Subpart 66-3 and repealing and replacing Section 2.60, to **be effective upon publication of a Notice of Adoption** in the New York State Register, to read as follows:

Subpart 66-3 is hereby repealed.

PROGRESSION OF NYS DOH 10 NYCRR 2.60

1.

Face Coverings for COVID-19 Prevention

Effective date: 8/27/21

Pursuant to the authority vested in the Public Health and Health Planning Council and the Commissioner of Health by Sections 201, 206, and 225 of the Public Health Law, Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended by repealing Subpart 66-3 and repealing and replacing Section 2.60, to be effective upon filing with the Secretary of State, to read as follows:

Subpart 66-3 is hereby repealed.

Section 2.60 is repealed and replaced to read as follows:

2.

Face Coverings for COVID-19 Prevention

Effective date: 11/24/21

Pursuant to the authority vested in the Public Health and Health Planning Council and the Commissioner of Health by Sections 201, 206, and 225 of the Public Health Law, Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended by repealing Subpart 66-3 and repealing and replacing Section 2.60, to be effective upon filing with the Secretary of State, to read as follows:

Subpart 66-3 is hereby repealed.

Section 2.60 is repealed and replaced to read as follows:

3.



Department
of Health

KATHY HOCHUL
Governor

MARY T. BASSETT, M.D., M.P.H.
Acting Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

Commissioner's Determination on Indoor Masking Pursuant to 10 NYCRR 2.60

December 10, 2021

Pursuant to [10 NYCRR 2.60](#), I hereby issue the following determination, which includes findings of necessity, to support the face masking/covering requirements set forth below, effective December 13, 2021:

When do the new requirements go into effect?

The new requirements go into effect at 12:01 a.m. on Monday December 13, 2021 through January 15, 2022, at which time the State will re-evaluate next steps.

Do the new requirements (via the **December 10 Commissioner's Determination**) supersede the previous requirements (the **August 27 Commissioner's Determination**) on Indoor Masking?

Yes. This determination supersedes the August 27, 2021 determination that required face masks in certain settings such as healthcare settings, schools, correctional facilities and while on public transport or in transportation hubs. These settings are all still covered under the current masking determination.

You can read the [State Health Commissioner's December 10, 2021 Determination Letter](#).

**JUST AS THE NYS DOH STARTED THE PROCESS
TO MAKE ITS TEMPORARY RULES
PERMANENT**

SIMULTANEOUSLY

**NYSED
IS DOING THE SAME THING
THROUGH SAPA + BOARD OF REGENTS**

NYSED Updating its Education Policies To Be In Line with DOH Covid Rules



EDUCATION DEPARTMENT			
*EDU-20-20-00008-ERP	02/14/22	Addressing the COVID-19 Crisis	To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis
EDU-08-21-00002-RP	02/24/22	The Definition of the Term "University"	To clarify and broaden the definition of the term "university"
EDU-17-21-00011-RP	04/28/22	Education Law 310 Appeals to the Commissioner and Initiation Conduct of Proceedings for the Removal of School Officers	To make technical changes and other clarifying amendments to section 310 appeal procedures and requirements
EDU-21-21-00009-RP	05/26/22	School Counselor Bilingual & Supplementary Bilingual Education Extension & Registration Requirements	To create the bilingual education extension, supplementary bilingual education extension, and registration requirements for programs leading to the bilingual education extension for initial and professional school counselor certificates
EDU-39-21-00001-EP	09/29/22	Technical amendments relating to the School Safety and Educational Climate (SSEC) reporting system.	To make technical corrections relating to the SSEC reporting system.

NYS Register/December 15, 2021			Action Pending Index
Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-39-21-00008-EP	09/29/22	Flexibility for accountability requirements in response to the COVID-19 crisis.	To provide flexibility for accountability requirements in response to the COVID-19 crisis.
EDU-39-21-00009-P	09/29/22	General Unprofessional Conduct Provisions for the Design Professions and Continuing Education Requirements for the Profession.	To conform regulations with the requirements of Chapter 160 of the Laws of 2020 and to make technical corrections.
EDU-39-21-00010-P	09/29/22	Licensure Examination, Licensure by Endorsement and Continuing Education Requirements in the Profession of Pharmacy	To provide flexibility in determining acceptable licensure examinations and to add compounding continuing education requirements
EDU-39-21-00011-P	09/29/22	Removing References to Regional Accreditation.	To remove references to "regional accreditation" in the Rules of the Board of Regents and Commissioner's regulations.
EDU-39-21-00012-P	09/29/22	Prohibits schools from filing a law suit against parents or guardians for unpaid meal fees.	To implement and conform Commissioner's Regulations according to Chapter 315 of the Laws of 2021.
EDU-44-21-00008-EP	11/03/22	Execution by Registered Professional Nurses of Non-Patient Specific Orders to Administer COVID-19 Immunizations	To ensure greater access to immunizations against COVID-19, as permitted by Education Law § 6909.
EDU-44-21-00009-P	11/03/22	Removing face-to-face instruction requirement for the Dignity For All Students Act (DASA) Training.	To remove the face-to-face instruction requirement for DASA training.
EDU-48-21-00008-P	02/17/23	Special education impartial hearing officers and the special education due process system procedures.	To address volume of special education due process complaints in the New York City due process system
EDU-48-21-00009-P	12/01/22	Licensure of Psychologists.	To conform New York State's licensure requirements with national standards and create a pathway for licensure by endorsement.
EDU-48-21-00010-P	12/01/22	Definition of the term "year of experience" for permanent or professional certification.	To streamline the definition of "year of experience" for permanent or professional certification.
EDU-48-21-00011-P	12/01/22	School districts' exemption from the establishment of an internal audit function.	To align the student enrollment number for eligibility for such exemption with the applicable statute.
EDU-48-21-00012-EP	12/01/22	Annual visitation of voluntarily registered nursery schools and kindergartens.	To extend flexibility for the annual visitation of voluntarily registered nursery schools and kindergartens to the 2021-2022 SY.
EDU-48-21-00013-P	12/01/22	Records retention and disposition schedules	To revise records retention and disposition schedule LGS-1 and to remove superseded disposition schedules.



New York State
EDUCATION DEPARTMENT
BOARD OF REGENTS

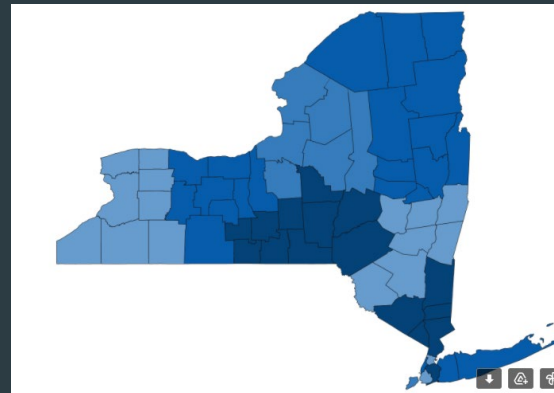
BOARD OF REGENTS CONTROLS NYSED POLICY

The Regents are responsible for the general supervision of all educational activities within the State, presiding over The University and the New York State Education Department. The Regents are organized into standing committees, subcommittees and work groups whose members and chairs are appointed by the Chancellor.

Leadership

CHANCELLOR | Lester W. Young, Jr.
VICE CHANCELLOR | Josephine Victoria Finn

- BOARD SITS 17 MEMBERS
- ELECTED BY STATE LEGISLATURE
- REGENTS SERVE 5 YEAR TERMS
- UNSALARIED, REIMBURSED FOR TRAVEL + EXPENSES



2022 Regents Meeting Dates

- February 14 - 15 (Monday and Tuesday)
- March 14 - 15 (Monday and Tuesday)
- April 11 - 12 (Monday and Tuesday)
- May 16 - 17 (Monday and Tuesday)
- June 13 - 14 (Monday and Tuesday)
- July 11 - 12 (Monday and Tuesday)
- August - Recess
- September 12 - 13 (Monday and Tuesday)
- October 3 - 4 (Monday and Tuesday)
- November 14 - 15 (Monday and Tuesday)
- December 12 - 13 (Monday and Tuesday)

<https://www.regents.nysed.gov/>

<https://www.regents.nysed.gov/meetings/dates>

<http://www.nysed.gov/policy-guidance>

BOARD OF REGENTS AUTHORITY + PURPOSE

IS NYSED USING
TWITTER FOR
PUBLIC NOTICE?



Summary of Board of Regents Authority for Quality Assurance in Higher Education

SOURCE	AUTHORITY	PURPOSE
Education Law 201	Regents Purpose	- encourage and promote education, visit and inspect institutions
Education Law 207	Regents Legislative Power	- determine educational policies and establish rules relating to education
Regents Rule 13.1	Commissioner's Authority	- by extension of E.L. 207, Regents authorized the Commissioner to promulgate regulations governing the registration of courses of study
Education Law 210	Regents Authorized Activities	- register domestic and foreign institutions in terms of New York standards
Education Law 215	Regents Authorized Activities	- visit, examine into, and inspect any institution; require reports, as often as desired; suspend the charter or any of the rights and privileges of an institution
Education Law 216	Regents Authorized Activity	- incorporate any university, college...or other institution or association...for the promotion of...education in any way
Education Law 237	Regents Responsibility	- master planning for higher education in New York State

CAUTION expressed by Court in Moore vs. Board of Regents, 1978:

While upholding the Regents broad policy-making authority over both public and private higher education in the State, the Court cautioned that the Regents could not transform section 207 of the Education Law into an all-encompassing power permitting the Regents' intervention in the day-to-day operation of the institutions of higher education in New York.

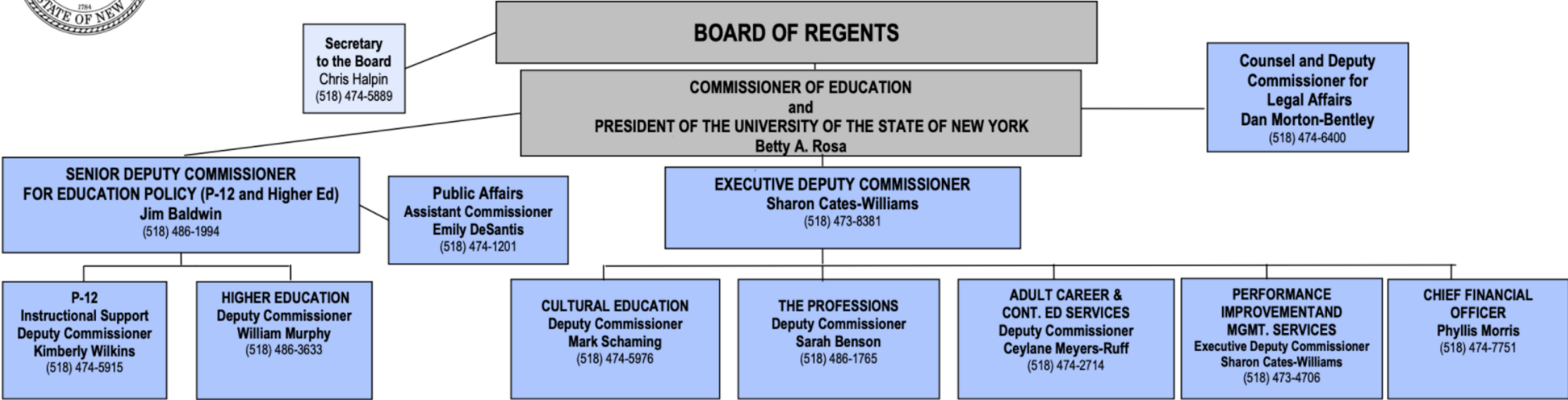
BOARD OF REGENTS

Vote on NYSED Policy

September 14, 2021



NEW YORK STATE EDUCATION DEPARTMENT ORGANIZATION CHART



BOARD OF REGENTS NYSED POLICY AMENDMENTS

VOTE FOR PERMANENT ADOPTION - FEB 14-15

Allowing Nurses to Administer C19 V for Non-Patient Specific Orders



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12242

TO: The Honorable the Members of the Board of Regents

FROM: Sarah S. Benson *Sarah S. Benson*

SUBJECT: Proposed Amendment to Subdivision (a) of Section 64.7 of the Regulations of the Commissioner of Education Relating to the Execution by Registered Professional Nurses of Non-Patient Specific Orders to Administer COVID-19 Immunizations

DATE: December 30, 2021

AUTHORIZATION(S): *Jim McGreevey* *Scott Martin*

SUMMARY

Issue for Decision (Consent)

Should the Board of Regents adopt the proposed amendment to subdivision (a) of section 64.7 of the Regulations of the Commissioner of Education relating to the execution by registered professional nurses of non-patient specific orders to administer COVID-19 immunizations?

Reason(s) for Consideration

Review of Policy

Proposed Handling

The proposed amendment is submitted to the Full Board for adoption as an emergency rule at the January 2022 Regents meeting. A copy of the proposed rule and a statement of facts and circumstances justifying emergency action are attached.

Procedural History

The proposed amendment was presented to the Professional Practice Committee for recommendation and to the Full Board for adoption as an emergency

BR (CA) 11

rule at the October 2021 meeting of the Board of Regents. A Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on November 3, 2021 for a 60-day public comment period.

Because the October emergency action will expire on January 16, 2022, a second emergency action is necessary to ensure the emergency rule remains continuously in effect until it can be permanently adopted at the February Regents meeting. A Notice of Emergency Adoption will be published in the State Register on January 26, 2022. Supporting materials for the proposed rule are available upon request from the Secretary to the Board of Regents.

Background Information

According to the United States Centers for Disease Control and Prevention (CDC), immunization is one of the best ways to protect infants, children, and adults from a variety of potentially harmful diseases. To increase immunization rates in New York State, Chapter 221 of the laws of 2002 (codified in Education Law §§6909[4] and [5]) was enacted. It authorizes registered professional nurses to administer immunizations pursuant to a non-patient specific order issued by a licensed physician or a certified nurse practitioner. In 2005, subdivision (a) of section 64.7 of the Regulations of the Commissioner of Education was adopted, which set forth criteria for administering specifically identified immunizations by a registered professional nurse pursuant to a non-patient specific order and protocol. In 2019, subdivision (a) of section 64.7 of the Regulations of the Commissioner of Education was amended to update criteria for administering identified immunizations by a registered professional nurse pursuant to a non-patient specific order and protocol.

The COVID-19 pandemic continues to be a major public health threat in New York State and, therefore, immunizing persons against COVID-19 remains a top public health priority. To ensure greater access to immunizations against COVID-19, the proposed amendment to subdivision (a) of section 64.7 of the Commissioner's regulations would allow a registered professional nurse to administer COVID-19 immunizations pursuant to a non-patient specific order issued by a licensed physician or a certified nurse practitioner. The proposed amendment requires that the COVID-19 immunizations be fully approved or authorized for emergency use by the federal Food and Drug Administration (FDA) to immunize persons against COVID-19. It also requires that the COVID-19 immunizations are administered in accordance with applicable FDA requirements and recommendations. These requirements help to ensure that the vaccinations against COVID-19 will be administered as safely as possible.

Related Regents Items

October 2021: [Proposed Amendment to Subdivision \(a\) of Section 64.7 of the Regulations of the Commissioner of Education Relating to the Execution by Registered Professional Nurses of Non-Patient Specific Orders to Administer COVID-19 Immunizations](https://www.regents.nysed.gov/common/regents/files/1021ppca1.pdf)

(<https://www.regents.nysed.gov/common/regents/files/1021ppca1.pdf>)

Recommendation

It is recommended that the Board of Regents take the following action:

VOTED: That subdivision (a) of section 64.7 of the Regulations of the Commissioner of Education be amended, as submitted, effective January 17, 2022, as an emergency action upon a finding by the Board of Regents that such action is necessary for the preservation of the public health and general welfare to timely authorize registered professional nurses to execute non-patient specific orders prescribed by a licensed physician or a certified nurse practitioner to administer COVID-19 immunizations in order to enhance the protection of the public health by expanding access to needed COVID-19 immunizations for children and adults during the ongoing COVID-19 pandemic and to ensure that the emergency action taken at the October 2021 meeting remains continuously in effect.

Timetable for Implementation

If adopted as an emergency rule at the January 2022 Regents meeting, the emergency rule will become effective January 17, 2022. It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the February 2022 Regents meeting, after publication of the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. If adopted at the February 2022 meeting, the proposed rule will become effective as a permanent rule on March 2, 2022.

BOARD OF REGENTS NYSED POLICY AMENDMENTS

VOTE FOR PERMANENT ADOPTION - FEB 14-15

Allowing Nurses to Administer C19 V for Non-Patient Specific Orders

Attachment A

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 207, 6504, 6507, 6527,6902 and 6909 of the Education Law
Subdivision (a) of section 64.7 of the Regulations of the Commissioner of

Education is amended, to read as follows:

(a) Immunizations.

(1) As used in this subdivision:

(i) Immunizing agents means vaccines and immunoglobulin drugs approved by the federal Food and Drug Administration to provide immunity against diseases caused by the infectious agents described in clauses (a) through (e)[d] of this subparagraph.

(a) In the case of adults, vaccines against the following infectious diseases: Hepatitis A, Hepatitis B, Influenza, Pneumococcus, Diphtheria, Tetanus, Measles, Mumps, Rubella, Varicella, Polio, Pertussis, Human Papilloma Virus, Meningococcus, and Herpes Zoster;

(b) In the case of infants and children under the age of 18, vaccines against the following infectious diseases: Diphtheria, Tetanus, Pertussis, Measles, Mumps, Rubella, Varicella, Haemophilus Influenzae Type b (Hib), Polio, Hepatitis B, Hepatitis A, Influenza, Meningococcus, Pneumococcus, Rotavirus, and Human Papilloma Virus[.].

(c) immunizing agents against an infectious disease that causes an epidemic or a community wide outbreak, provided that such immunizing agents are administered as part of a public health program established by the Commissioner of the Department of Health, a County Commissioner of Health, or a County Public Health Director to

Attachment B

STATEMENT OF FACTS AND CIRCUMSTANCES WHICH NECESSITATE EMERGENCY ACTION

The COVID-19 pandemic continues to be a major public health threat both statewide and nationally. Accordingly, immunizing persons against COVID-19 remains a top public health priority. The proposed amendment is necessary to ensure greater access to immunizations against COVID-19, as permitted by Education Law §6909. This law allows registered professional nurses to administer immunizations pursuant to non-patient specific orders issued by a licensed physician or a certified nurse practitioner in accordance with the Commissioner's regulations. The proposed amendment to subdivision (a) of section 64.7 of the Commissioner's regulations will permit a registered professional nurse to administer COVID-19 immunizations pursuant to a non-patient specific order issued by a licensed physician or a certified nurse practitioner. Allowing more registered professionals nurses to administer COVID-19 immunizations pursuant to a non-patient specific order and protocol will protect more New Yorkers from this harmful and potentially deadly disease.

The proposed amendment was presented to the Professional Practice Committee for recommendation to the Full board for adoption as an emergency rule at the October 2021 meeting of the Board of Regents, effective October 19, 2021. Since the Board of Regents meets at fixed intervals, the earliest the proposed amendment can be presented for regular (non-emergency) adoption, after expiration of the required 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) section 202(1) and (5), would be the February 2022 Regents meeting.

Furthermore, pursuant to SAPA section 203(1), the earliest effective date of the proposed amendment, if adopted at the February 2022 meeting, would be March 2, 2022, the date a Notice of Adoption would be published in the State Register. However, emergency adoption is necessary to maximize the potential health benefits of increasing access to COVID-19 vaccinations in New York State.

However, the emergency rule will expire on January 16, 2021. Therefore, a second emergency action is necessary at the January 2022 Regents meeting for preservation of the public health and general welfare in order to enable the State Education Department to immediately implement the proposed amendment to authorize registered professional nurses to execute non-patient specific orders prescribed by a licensed physician or a certified nurse practitioner to administer COVID-19 immunizations in order to expand access to needed COVID-19 immunizations for children and adults during the ongoing COVID-19 pandemic and to ensure that the emergency action taken at the October 2021 meeting remains continuously in effect until the rule can be permanently adopted.

It is anticipated that the proposed amendment will be presented for permanent adoption at the February 2022 Regents meeting, which is the first scheduled meeting after the expiration of the 60-day public comment period mandated by SAPA for state agency rule making.

ENTERING A CRITICAL PERIOD OF TIME

Timeline for Permanent Rule Adoption

December 15
December 15

NYS DOH 10 NYCRR 2.60
NYS Register Vol. XXXIII, Issue 50

Amendment Comment Period Start
Emergency And Proposal (EP)

February 14

NYS DOH Rulemaking

Amendment Comment Period Expiration

February 14-15

Board of Regents Meeting

Vote on NYSED Policy Amendments

New York State - Legislative Session Calendar

FEBRUARY 2022						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

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- December 12 - 13 (Monday and Tuesday)

FEBRUARY

21-25 - School Closed

February (15)						
Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

WHAT IS HAPPENING TO THE QUALITY OF OUR CHILDREN'S EDUCATION? WHY WERE THE JANUARY REGENTS EXAMS CANCELLED?

Is NYSED afraid that the Regents Exams would reveal sliding academic performance and decreasing test scores?



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

Commissioner of Education
President of the University of the State of New York
89 Washington Avenue, Room 111
Albany, New York 12234

E-mail: commissioner@nysed.gov
Twitter: @NYSedNews
Tel: (518) 474-5844
Fax: (518) 473-4909

December 21, 2021

TO: District Superintendents
Superintendents of Schools
Principals of Public, Religious, and Independent Schools
Leaders of Charter Schools

FROM: Betty A. Rosa, Commissioner

SUBJECT: Cancellation of the January 2022 Administration of the New York State (NYS) High School Regents Examination Program in Response to the Ongoing Impact of the COVID-19 Pandemic

The purpose of this memorandum is to inform you that the New York State Education Department (NYSED or "the Department") is canceling the January 2022 administration of the NYS High School Regents Examination Program in response to the ongoing impact of the COVID-19 pandemic. This cancellation applies to all Regents Examinations that are scheduled for the January 2022 Regents Examination period. This memorandum also provides information on the amendments that I will ask the Board of Regents to adopt as emergency regulations with respect to the assessment requirements that students must ordinarily meet in order to earn diplomas, credentials, and endorsements so that the cancellation of these exams will not adversely impact students.

As this school year has progressed and the dates for the administration of the January 2022 Regents Examinations have grown nearer, there is increasing uncertainty as to the opportunity for all students in schools across the State to participate in these examinations on their scheduled dates. Consequently, we are canceling the January 2022 Regents Examinations administration as we cannot be certain that these examinations can be administered in a fair, equitable, and safe manner for students and teachers across the State at this time.

The Department has not yet made decisions about the June and August 2022 administrations of Regents Examinations. The Board of Regents and the Department will continue to monitor data related to the impact of the ongoing pandemic. When it is time to decide about these Regents Examinations, those decisions will be fully informed by all available and relevant public health and educational data. As always, we will put the health and safety of students and teachers first.

Modifications to Diploma Requirements for Students Impacted by the Cancellation of January 2022 Regents Examinations

Because of the cancellation of the January 2022 Regents Examinations, the Department will ask the Board of Regents to approve modifications to the assessment requirements that students must meet in order to earn high school diplomas, credentials, and endorsements. These modifications apply to all students who are completing a secondary-level course of study or make-up program in January and are scheduled to participate in one or more of the January 2022 Regents Examinations.

Regents Examination Exemptions

Subject to the adoption of emergency regulations by the Board of Regents, students who have been planning to take one or more Regents Examinations during the January 2022 examination period at the conclusion of a course of study or makeup program shall be exempted from the requirements pertaining to passing such Regents Examination in order to be issued a diploma. To qualify for the exemption, the student must meet one of the following requirements:

- Be currently enrolled in a course of study that would ordinarily culminate in the taking of a January 2022 Regents Examination and earn credit for such course of study by the end of the first semester of the 2021-22 school year; or
- Between September 1, 2021 and the end of the first semester of the 2021-22 school year, successfully complete a make-up program for the purpose of earning course credit; or
- Be preparing to take a required Regents Examination in order to graduate at the end of the first semester of the 2021-22 school year.

NYSED is developing additional guidance in the form of an FAQ and will issue that guidance in early January 2022 to address topics such as safety net options, mastery, honors, and technical endorsements so that schools are able to determine which diplomas to grant to their graduates.

Recording Student Scores for the January 2022 COVID-19 Exemptions

Student transcripts should reflect the examination name and a score of "E" for exempt for those students meeting the eligibility requirements for such exemption outlined above. Schools must report a Standard Achieved Code of "86" with the course of study in which the student earned credit. No other Standard Achieved Code may be used to report these exemptions. The Office of Information and Reporting Services (IRS) will issue complete guidance in the Student Information and Repository System (SIRS) manual for the reporting of January 2022 Regents exemptions. Any questions about the reporting of exemptions in SIRS should be directed to your [Regional Information Center \(RIC\) or Big 5 Level 1 reporting center](#).

Any questions about the exemptions from examination requirements or the effect of such exemptions on student qualification for a diploma should be directed to emscgradreg@nysed.gov. The Department asks that schools and districts await the additional guidance referenced above before reaching out to the email inquiry box with questions related to the use of safety net options, mastery, honors, and technical endorsements. All guidance will be made available on NYSED's [COVID-19 Information site](#) after release.

The Department is grateful to the dedicated educators, school staff, community members, and parents who are working so diligently to ensure that students remain safe and healthy.

NEW YORK STATE EDUCATION HIGHEST SPENDING IN THE NATION



Collectively, the 668 districts proposed \$40.6 billion in spending from all sources, a 2.9 percent increase over current-year school budgets. On a per-pupil basis, the proposed spending increase is greater, since enrollment at the 668 schools is projected to drop 1.2 percent for the coming fall, **continuing a secular decline of public-school enrollment** in the state. Notwithstanding the tax cap – which has been in effect since 2012 and was made permanent in 2019 – **New York currently spends roughly twice the national average on public education on a per-pupil basis, while not unrelatedly boasting the highest-paid teacher workforce in the nation.**

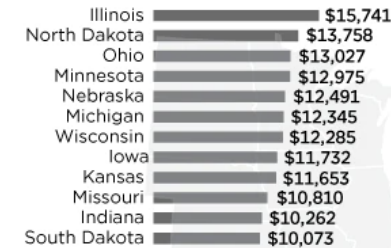
<https://www.empirecenter.org/publications/school-budget-spotlight-2021-22/>
<https://www.census.gov/newsroom/press-releases/2020/school-system-finances.html>

MAY 11, 2020

U.S. School System Spending Per Pupil by Region

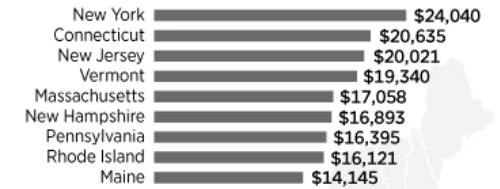
Nationwide average school spending per pupil: \$12,612

MIDWEST



Average per pupil current spending: **\$12,773**

NORTHEAST



Average per pupil current spending: **\$19,953**

WEST



Average per pupil current spending: **\$11,582**

SOUTH



Average per pupil current spending: **\$10,285**



U.S. Department of Commerce
U.S. CENSUS BUREAU
[census.gov](https://www.census.gov)

Note: Data include public elementary-secondary pre-K through 12 school systems.

Source: 2018 Annual Survey of School System Finances

NEW YORK STATE EDUCATION HIGHEST SPENDING IN THE NATION



PAYROLLS ⓘ

+ NAME

- YEAR

2021 X

THIS SEARCH: 346,992 RESULTS TOTAL: \$20,930,848,929

Q SUPERINTENDENT

Employer/Agency	Total Pay ↓	Subagency/Type
Lawrence Union Free Schools	\$766,781	NYSTRS - Educator
Fashion Institute of Technology	\$504,023	NYSTRS - Educator
Central Islip Union Free Schools	\$474,027	NYSTRS - Educator
Harrison Central Schools	\$460,794	NYSTRS - Educator
Central Islip Union Free Schools	\$445,244	NYSTRS - Educator
Central Islip Union Free Schools	\$433,891	NYSTRS - Educator
Central Islip Union Free Schools	\$411,179	NYSTRS - Educator
Williamsville Central Schools	\$405,507	NYSTRS - Educator
Freeport Public Schools	\$405,293	NYSTRS - Educator
Central Islip Union Free Schools	\$391,323	NYSTRS - Educator
Central Islip Union Free Schools	\$381,316	NYSTRS - Educator
Three Village Central Schools	\$380,398	NYSTRS - Educator

We Must Act Now To Protect Our Rights



RESIDENTS OF NYS → TIME TO ACT

TIME TO ACT

New York State Residents

**GO TO YOUR NEXT SCHOOL BOARD MEETING
TELL YOUR BOARD TO VOTE TO UNMASK OUR CHILDREN**

Here's What You Need to Know

- ▶ School Boards are named as the Responsible Party under the County Dept of Health Covid School Guidelines – Boards are the ones who voted to adopt the masking and they have the power to modify or remove it.
- ▶ Blakeman's E.O. - Any E.O. supersedes the Determination or Regulation of any Agency (remember, covid school guidelines are from Nassau Cty DOH)
- ▶ NYS ED Commissioner Betty Rosa released a Statement on 1/6, at the end she wrote that Boards have to "follow all legal requirements" – YES they do... Boards took an Oath to uphold ALL laws including the US Constitution, NYS Constitution, Bill of Rights, ADA, NYS Human Rights Law, USC Title 21 prohibiting the requirement of medical devices under Emergency Use Authorization (FDA deemed masks as face coverings under EUA).
- ▶ State Agencies (NYSED, NYSDOH) don't make laws, only Regulations limited to their scope of authority. Laws have to be passed in the NYS Assembly and signed by the Governor. THERE IS NO MASKING LAW, that's why the Gov said in December that she can't enforce it and uses NYSED to pressure schools by withholding state aid, and State agencies to pressure businesses.
- ▶ The Governor can't legally withhold state aid to schools, and it would hurt the teachers and staff as well.

Mark Your Calendar & Show Up!

1. Before the start of the BOE meeting SIGN UP to speak. The District Clerk should have a sheet. Usually 3 min is given to talk. This is your time, it helps to come prepared.
2. Make your personal statement, as a parent, grandparent or a taxpayer residing in the school district. And urge the Board to stand up for all of our rights.
3. To add a vote to the Agenda, a Member of the Board must make a Motion and it needs to be seconded by another BOE member. The Vote is then added on the Agenda of the next meeting.

URGENT CALL TO ACTION STOP GOV HOCHUL + NYS DOH POWERGRAB

**DOH IS SIDESTEPPING THE NYS ASSEMBLY TO MAKE
EMERGENCY REGULATIONS PERMANENT
BY ADMINISTRATIVE RULE ADOPTION OF**

**Prevention of COVID-19 Transmission by Covered Entities (Schools)
Investigation of Communicable Diseases; Isolation & Quarantine
Face Coverings for COVID-19 Prevention**

December 15, 2021
Vol. XLIII
Issue 50

DEPARTMENT OF STATE
Division of Administrative Rules

NEW YORK STATE
REGISTER

Health, Department of

4 / Prevention of COVID-19 Transmission by Covered Entities (EP)
8 / Investigation of Communicable Disease; Isolation and Quarantine (EP)
10 / Face Coverings for COVID-19 Prevention (EP)

Download the NYS Register <https://dos.ny.gov/system/files/documents/2021/12/121521.pdf>

**WHAT WILL HAPPEN IF THE EMERGENCY HEALTH DETERMINATIONS BECOME
PERMANENT RULES ON THE NEW YORK STATE REGISTER?**

- ▶ IF ACCEPTED + FILED, THE RULES WILL HAVE THE FULL WEIGHT OF THE LAW AFFECTING 19 MILLION NYS RESIDENTS
- ▶ THE APPOINTED DOH COMMISSIONER WILL HAVE FULL UNCHECKED POWER AND AUTHORITY TO CREATE HEALTH REGULATIONS THAT VIOLATE CONSTITUTIONAL RIGHTS
- ▶ THE UNELECTED DOH WILL CIRCUMVENT THE LEGISLATIVE BRANCH OF STATE GOVERNMENT AND MAKE THE ASSEMBLY OBSOLETE IN PASSING HEALTH LAWS

COMMENT YOUR OBJECTION BEFORE 2/14/2022

GO TO → [HTTPS://REGS.HEALTH.NY.GOV/REGULATIONS/PROPOSED-RULE-MAKING](https://regs.health.ny.gov/regulations/proposed-rule-making)

**STATE YOUR OBJECTION CLEARLY + PROVIDE YOUR REASON(S) - 1 EMAIL PER RULE
INCLUDE YOUR FULL NAME + THAT YOU LIVE IN NYS - COPY RULE DESCRIPTION INTO EMAIL
SEND TO → REGSQNA@HEALTH.NY.GOV EMAIL CC → PEOPLESKOALITIONNY@PROTONMAIL.COM**

EXIT YOUR ECHO CHAMBER

WE WILL NOT BE IGNORED BY THE MEDIA

EMAIL + TEXT YOUR FRIENDS

IF NEWS OUTLETS IGNORE US → THEN GO TO THEM

- ▶ INCREASE AWARENESS
- ▶ SHOW SUPPORT FOR BLAKEMAN #ISTANDWITHBRUCE
- ▶ **ASK POLITICIANS TO STAND UP FOR OUR RIGHTS**
- ▶ EDUCATE READERS
- ▶ BE POLITE AND DON'T GET BLOCKED

COMMENT ON >> NEWS ORGANIZATIONS
COMMUNITY GROUPS
LEGISLATORS' SOCIAL MEDIA

NEWSDAY NEWS 12 NY POST LOCAL PAPERS
PATCH.COM PARENT GROUPS
LEGISLATORS NEWS PERSONALTIES

TIPS FOR SOCIAL MEDIA COMMENTS

- ▶ DIRECT TO THE ACCOUNT OWNER → TAG or @
- ▶ TIE INTO POST'S TOPIC IF POSSIBLE
- ▶ INTRODUCE NEW INFORMATION TO EDUCATE READERS
- ▶ ASK WHY THE NEWS ORGANIZATION ISN'T COVERING AN EVENT
- ▶ ASK THE NEWS ORG TO STOP BIAS, FEAR MONGERING AND GIVE CONTEXT TO INFORMATION
- ▶ END WITH A HASHTAG #ISTANDWITHBRUCE #PARENTCHOICE #SCHOOLCHOICE
- ▶ USE YOUR DESKTOP COMPUTER: OPEN TABS, COPY + PASTE YOUR COMMENTS QUICKLY



@news12 this is your 5th post about the storm...can you cover Gov Hochul's overreach? She doesn't have the legal authority to issue mandates like Gov Cuomo did - his broad powers were lawfully terminated #parentchoice

YOUR COMPLIANCE IS KEEPING IT ALIVE

You Don't Need an Executive Order to Ignore a Mandate

NYS COUNTIES NOT ENFORCING THE INDOOR MASKING MANDATE:

- Cattaraugus
- Chautauqua
- Dutchess
- Genesee
- Greene
- Herkimer
- Livingston
- Madison
- Nassau
- Niagara
- Onodaga
- Ontario
- Orange
- Orleans
- Oswego
- Putnam
- Renssalaer
- Rockland
- Saratoga
- Steuben
- Suffolk and eight others

STAY INFORMED WITH UP TO DATE INFORMATION

FOLLOW THE PEOPLE'S COALITION FOR NEW YORK

- Upcoming Calls to Action
- In-Depth Information
- Informative Resources
- <https://www.peoplescoalitionforny.org/home>



OPPOSE THE VOTING RIGHTS ACT BILL **AKA THE NASA BILL**

This bill already passed in the house of reps and has moved to the senate. If this passes in the senate, this means *anyone can vote without voter ID*. Our **CONSTITUTIONAL RIGHTS** regarding elections that our foundational fathers set-up are **NULL and VOID** if this bill passes.



1. Go to www.senate.gov THEN *hover over Senators* in the navigation and *click CONTACT* to find your senator
2. Call the Washington DC number that is listed for your senator
3. Tell your senator that you **OPPOSE** the NASA bill and hope that they **OPPOSE** the NASA bill too
4. Ask your senator to respond back - **THIS IS IMPERATIVE!** - Leave a message with your *phone number, email, and name*

BOARDS CAN CALL A VOTE AT ANYTIME

The E.O. Gave BOE's the Opportunity but it's Their Right

- Boards are named the Responsible Party in the County DOH Covid Guidelines
- As the Responsible Party, Boards have the authority to implement and modify the Covid guidelines → it's their Right to vote on the Mandates
- To place a Vote on the Agenda, 1 board member must make a Motion and another member must Second the Motion. The vote takes place at the next meeting.

ALL MUST REMEMBER

- THE U.S. CONSTITUTION IS THE SUPREME LAW OF THE LAND
- NO LAW OR E.O. CAN VIOLATE THE U.S. CONSTITUTION
- POWERS NOT GIVEN TO THE STATE ARE RETAINED BY THE PEOPLE
- CDC GUIDANCE IS NOT LAW, MANDATES ARE NOT LAWS
- COMPLIANCE BY UNLAWFUL MANDATE IS COERCION

ENFORCEMENT OF UNLAWFUL MANDATES IS A VIOLATION OF

U.S. CONSTITUTION

9th AMENDMENT- ENUMERATION OF RIGHTS

14th AMENDMENT-NO LAW MAY ABRIDGE PRIVILEGE OR DEPRIVE DUE PROCESS, OR DENY EQUAL PROTECTION OF LAWS

5 U.S. CODE 7311 LOYALTY AND STRIKING

18 U.S. CODE 241 CONSPIRACY AGAINST RIGHTS

18 U.S. CODE 242 DEPRIVATION OF RIGHTS

21 U.S. CODE 360bbb-3 CONDITIONS OF EUA MEDICAL DEVICE

POLITICIANS NEED TO HEAR FROM US

SCAN ME



FIND MY NYS
ASSEMBLYMEMBER

SCAN ME



FIND MY NYS
SENATOR

Current NYS Legislations

as of 12/30/2021

Oppose

A08398

Limits exemptions from immunization requirements by local governments and private entities to medical exemptions; repeals religious exemptions for certain post-secondary students.
Sponsor: Dinowitz

A00416

Relates to the removal of cases, contacts and carriers of communicable diseases that are potentially dangerous to the public health.
Sponsor: Perry

A00279/ S00075-A

Requires a health care provider who administers an immunization to a person nineteen years of age or older to report such information to the department of health or to a regional health information organization unless such person objects to such reporting.
Sponsors: Gottfried, Hoylman; 17 Co-Sponsors: McDonald, Dinowitz, Paulin, etc.

A08378

Authorizes the commissioner of health to develop and supervise the execution of a program of immunization against COVID-19 for purposes of state aid to schools; requires immunization against COVID-19 for attendance at school.
Sponsor: Dinowitz; Co-Sponsors: Steck, Gottfried

A02255/ S01653

Relates to requiring immunization information systems to record data on the number of vaccine exemptions reported by each health care provider.
Sponsors: Dinowitz, Hoylman

A03192/ S03041

Permits any child who is at least fourteen years of age to have administered to himself or herself, regardless of parental consent, certain immunizations required or recommended by law.
Sponsor: Fahy, Kreuger; Co-Sponsors: Dinowitz, Magnarelli, Hevesi, etc.

Support

S4376/A4269

Prohibits mandatory Covid-19 vaccination
Sponsors: Oberacker, Salk

S3659/A5277

Restores religious exemptions to religious and private schools
Sponsor: Ortt, DiPietro

S5157/A7042

Restores the right to sue for vaccine injuries
Sponsors: Lanza/DiPietro

S6107/A1894

Restores a physician's authority to write medical exemptions
Sponsors: Plumbo, Santabarbara

S2677

Restores the religious exemptions to public schools
Sponsor: Gallivan

Find Your Senator
<https://www.nysenate.gov/find-my-senator>

Find Your Assemblyperson <https://nyassembly.gov/mem/search/>



*Bills that begin with an "A" - contact your assemblyperson • Bills that begin with a "S" - contact your senator

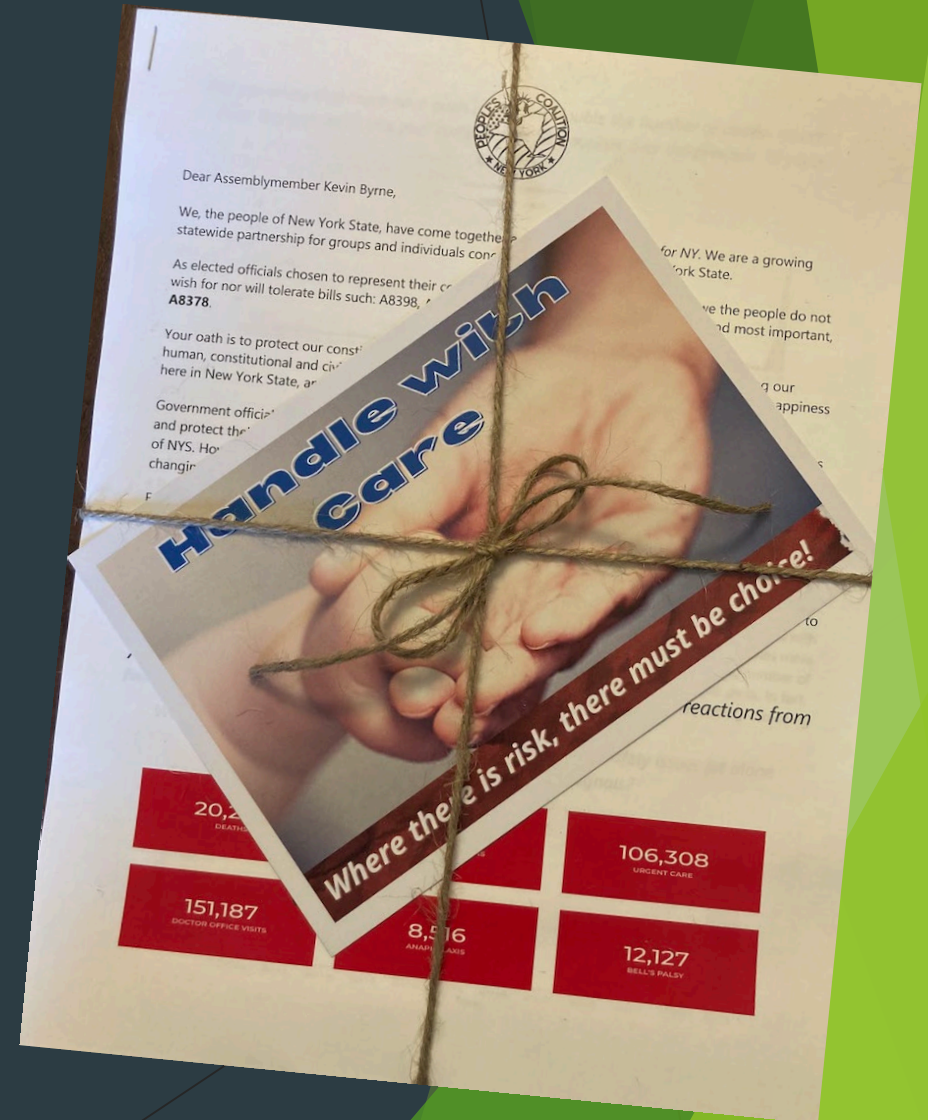
SIGN THE PETITION >>>

- ▶ PETITION IS ON CHANGE.ORG BUT PLEASE SHARE FROM THE PEOPLES COALITION WEBSITE

<https://www.peoplescoalitionforny.org/calls-to-action>

- ▶ VIDEO LINK FOR PETITION

<https://www.peoplescoalitionforny.org/home>



PREPARE + ORGANIZE

- ❑ Know Your Rights + Stay Informed
- ❑ Organize with like-minded people
- ❑ Run for school board
- ❑ Elect new State politicians
- ❑ Ensure Regents make policy within the Law
- ❑ Prepare to Homeschool
- ❑ Constitutional Sanctuary
- ❑ Constitutional Sheriff



Constitutional Rights of Parents

NEARLY A CENTURY OF CONSISTENCY IN
THE U.S. SUPREME COURT



14TH Amendment - Due Process Clause

Meyer v. Nebraska (1923)

- ▶ The U.S. Supreme Court asserted that the 'liberty' protected by the Due Process Clause includes the right of parents to 'establish a home and bring up children' and 'to control the education of their own.'
- ▶ 262 U.S. 390, 399, 401

Troxel v. Granville (2000)

- ▶ June 5, 2000 - The U.S. Supreme Court declared that "It cannot now be doubted that the Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children."
- ▶ 530 U.S. 2000, or 120 S.Ct. 2054, or also 147 L.Ed.2d 49

Washington v. Glucksberg (1997)

- ▶ The Fourteenth Amendment prohibits the state from depriving any PERSON of 'life, liberty, or property, without due process of law.' The Court has long recognized that the Due Process Clause 'guarantees more than fair process.'
- ▶ 521 U.S. 702, 719

14TH Amendment - Due Process Clause

Reno v. Flores (1993)

- ▶ The Due Process Clause also includes a substantive component that 'provides heightened protection against government interference with certain fundamental rights and liberty interests.
- ▶ 507 U.S. 292, 301302

Elrod v. Burns (1976)

- ▶ The Court has held that the deprivation of fundamental liberty rights 'for even minimal periods of time, unquestionably constitutes irreparable injury.
- ▶ 96 S.Ct. 2673; 427 U.S. 347

Claim Against An Individual State Actor

Estate of Macias v. Lopez (1983)

In its analysis, the Court outlined the following elements:

1. [the plaintiff] possessed constitutional right's of which (s)he was deprived
2. the acts or omissions of the defendant were intentional;
3. the defendant acted under color of law; and
4. the acts or omissions of the defendant caused the constitutional deprivation.

To establish municipal liability, a plaintiff must show that:

1. [the plaintiff] possessed constitutional right's of which (s)he was deprived
2. the municipality had a policy or custom;
3. This policy or custom amounts to deliberate indifference to [the plaintiff's] constitutional right; &
4. the policy or custom caused constitutional deprivation.

The Right to Raise your Children is Far More Precious Than Property Rights

Stanley v. Illinois	405 U.S. 645, 651 (1972)
May v. Anderson	345 U.S. 528, 533 (1953)
Skinner v. Oklahoma	316 U.S. 535, 541 (1942)
Meyer v. Nebraska	262 U.S. 390, 399 (1923)

U.S. Supreme Court Rulings on the Nature of Parental Rights

Pierce v. Society of Sisters	268 U.S. 510, 534535 (1925)
Prince v. Massachusetts	321 U.S. 158 (1944)
Stanley v. Illinois	405 U.S. 645, 651 (1972)
Wisconsin v. Yoder	406 U.S. 205, 232 (1972)
Quilloin v. Walcott	434 U.S. 246, 255 (1978)
Parham v. J. R.	442 U.S. 584, 602 (1979)
Santosky v. Kramer	455 U.S. 745, 753 (1982)

