



Written by [Bob Adelman](#) on February 7, 2022

## Court Rules Against Virginia Governor Youngkin's Mask Freedom Order

At the same time that Loudoun County parents sued the local school board for ignoring Virginia Governor Glenn Youngkin's executive order allowing parents the freedom to unmask their children, seven other school boards were suing Youngkin over the same issue.

On Friday, the Circuit Court of Arlington County, Virginia, [ruled against Youngkin and his "mask freedom" order](#).

At issue is the apparent contradiction caused by Virginia's General Assembly. First, it issued an order to all school boards in the state to "provide such in-person instruction in a manner [designed] to reduce the transmission of COVID-19 that had been provided by the federal Centers for Disease Control and Prevention [CDC]."



AP Images  
Glenn Youngkin

It also granted governors temporary powers to react to emergencies. Then-Governor Ralph Northam used those powers to issue executive orders mandating all teachers and students to be masked at all times. Under the same powers, current Governor Glenn Youngkin repealed Northam's order, allowing parents to decide what's best for their children attending school.

The boards argued that if Youngkin's order "is enforced, [and] the universal masking policy is undermined ... they would be unable to enforce the universal masking policy" required by CDC guidelines.

Youngkin, on the other hand, asserted that those school boards "are not allowing parents to choose whether to send their children to school without a mask."

Circuit Court Judge Louise DeMatteo put both the General Assembly's rule and Youngkin's order "on equal footing" and then decided in favor of the General Assembly, negating (for the moment) Youngkin's order.

She wrote:

While the General Assembly has granted the Governor significant and sweeping general powers to address an emergency ... it does not follow that the Governor, even in an emergency, can direct the School Boards to ignore the General Assembly's deference to CDC guidance....

School Boards will likely succeed on the merits of their claim that [Youngkin's executive order] is contrary to the clear language of [the General Assembly's rule]....



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[Therefore] the Court concludes that the School Boards' Motion for a Temporary Restraining Order with regard to optional masking of children should be granted.

Youngkin's office has stated it will appeal her ruling immediately. Her ruling doesn't impact the parents' lawsuit in Loudoun County, which is proceeding on its own through the courts.

Other factors are in play as well. Time is running out for those school boards, as more and more evidence is being reported, even by the CDC itself, that masking is ineffective, and that young students are the least likely to catch the virus. As parents learn that the issue is essentially a local one, they are likely to continue to make their complaints against current school-board masking policies heard loud and clear.

Ultimately, school-board elections will resolve the issue, making such rulings as the one issued on Friday irrelevant.



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