

# Virginia Supreme Court Rejects Lawsuit Seeking to Reinstate School Mask Mandates



The [Virginia](#) Supreme Court rejected on Feb. 7 a lawsuit that challenged Gov. Glenn Youngkin's order barring mask mandates in state schools.

The lawsuit was filed in January by a group of parents in Chesapeake against the governor's mask order, which stipulated that parents should have the right to choose whether their children should wear masks while in class.

Youngkin and Attorney General Jason Miyares both described the ruling as a victory for parents in Virginia.

"Today, the Supreme Court of Virginia rejected a challenge out of the City of

Chesapeake to Governor Youngkin's Executive Order Number 2. The Governor and I are pleased with today's ruling. At the beginning of this pandemic, Governor Northam used his broad emergency powers to close places of worship, private businesses, and schools and impose a statewide mask mandate," Miyares, a Republican, said in a [statement](#).

The attorney general said his state now has "better risk mitigation strategies and vaccines" that don't warrant universal masking in schools.

"We are pleased by the dismissal," Youngkin, also a Republican, wrote on Twitter. "We will continue to protect the rights of parents to make decisions regarding their child's health, education, upbringing, and care."

According to the Supreme Court [ruling \(pdf\)](#), the justices wrote that they have "no opinion on the legality of EO 2" and dismissed the lawsuit on procedural grounds.

"We deny petitioners' motion to amend," the justices wrote, "and we dismiss the petition because the relief requested does not lie against any of the respondents."

Kevin Martingayle, a lawyer for the parents, [told](#) the Richmond Times-Dispatch that the court's decision "is not a ruling on the merits" and suggested the Virginia Supreme Court "continues to have questions about Executive Order Two."

On Feb. 4, a state judge issued a ruling that temporarily blocked Youngkin's order, granting seven school districts a request to have it be temporarily barred. A spokesperson for Youngkin said his office would appeal that ruling.

On his first day in office last month, Youngkin issued the mask-optional order. Although some school boards have eliminated mask mandates, others

have defied the governor's order and claim it circumvents local authority.

A growing number of experts and public health officials have suggested an end to school mask mandates. Among them is an infectious disease expert who works for the U.S. National Institute of Allergy and Infectious Diseases, who recently wrote an article for The Atlantic [describing flaws](#) in the U.S. Centers for Disease Control and Prevention's mask recommendation for schools.

"We reviewed a variety of studies—some conducted by the CDC itself, some cited by the CDC as evidence of masking effectiveness in a school setting, and others touted by media to the same end—to try to find evidence that would justify the CDC's no-end-in-sight mask guidance for the very-low-risk pediatric population, particularly post-vaccination," the article, published in January, reads.

"We came up empty-handed."



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