



PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | Catherine Truitt, *Superintendent of Public Instruction*

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Good evening Superintendents and District HR Directors,

As you may have seen, the U.S. Fifth Circuit Court of Appeals extended its stay on Friday night, continuing its preliminary pause on OSHA's Emergency Temporary Standard (ETS). This pause allows the court to fully review the motion and determine if a permanent injunction is in order.

In terms of next steps, all legal challenges filed before November 15 will be consolidated into one case and brought before a single federal circuit court. The circuit court will be picked by lottery as early as tomorrow (11/16).

We are unsure how this legal dispute will unfold, or how quickly the case will move through the process.

I realize many of you are trying to plan ahead, and while we wait for the litigation to proceed, DPI continues to advise that districts develop their written policy for compliance and consider plans for tracking vaccination status as well as testing for those not vaccinated. However, until pending litigation is resolved in the higher courts, districts are not required to comply with the vaccine-or-test Emergency Temporary Standard. As always, we recommend you consider speaking with your district counsel.

If you have questions, please feel free to email me, Catherine.Truitt@dpi.nc.gov.

Thank you for all you do.

Sincerely,

A handwritten signature in black ink, appearing to be "C. Truitt", with a stylized, wavy line extending from the end.

Catherine Truitt
Superintendent of Public Instruction