



Commonwealth of Pennsylvania  
Office of Attorney General  
Harrisburg, PA 17120

Josh Shapiro  
Attorney General

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July 21, 2020

Dear Educators,

I write to you today to address recent statements by U.S. Secretary of Education Betsy DeVos that federal funding appropriated by Congress will be withheld from schools and districts that do not provide full-time, in-person instruction this fall due to the risks of COVID-19. This letter is in response to concerns I've heard from educators in Pennsylvania.

While Secretary DeVos' threats have been vague, the Trump Administration has limited authority to withhold properly appropriated federal funding to schools in the Commonwealth. The Constitution makes clear that Congress, not the Executive Branch, has the power to appropriate federal funds and to attach conditions to those funds. There are instances when Congress directs a federal agency—like the Department of Education—to set conditions for funding, particularly through discretionary grant programs. As of this writing, Congress has not made full-time, in-person instruction a requirement to receive federal education dollars. Secretary DeVos has indicated that she may attempt to unilaterally stop Congressionally-appropriated funds from flowing to certain districts and schools in violation of the law. If that happens in a way that impacts the Commonwealth, I will take all appropriate actions.

As the COVID-19 pandemic continues, educators across our Commonwealth are being forced to make incredibly difficult choices. Your decisions must balance children's educational and emotional needs, parents' ability to return to work, the health and safety of your teachers and staff, and overall public health. The CDC, Pennsylvania's Department of Health, and Pennsylvania's Department of Education have all outlined steps schools can take to mitigate the risk of the virus. While we have learned much about COVID-19, there is still much we do not know about how physical reopening will affect students and their families along with faculty and staff – despite Secretary DeVos' statements to the contrary.

Thank you for all of the work that you do day in and day out to educate Pennsylvania's children. As you continue making plans for the fall, please know that I will be closely monitoring Secretary DeVos' actions and if she does seek to withhold federal funding in violation of the law, I will act to protect Pennsylvania students.

All the best,

A handwritten signature in blue ink, appearing to read "Josh Shapiro".

JOSH SHAPIRO