THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202

August 31, 2018

Honorable Diana DeGette
U.S. House of Representatives
Washington, DC 20515

Dear Representative DeGette:

I write in response to your August 28, 2018 letter concerning recent claims made by the media suggesting that I am pursuing a plan to authorize States and local school districts to use funds appropriated under Title IV-A of the Elementary and Secondary Education Act ("ESEA") to purchase firearms or conduct firearms training for school staff.

Let me be clear: I have no intention of taking any action concerning the purchase of firearms or firearms training for school staff under the ESEA.

As you know, Article I of the U.S. Constitution vests legislative authority in Congress. Congress has authorized and appropriated funding for the Title IV-A program "to improve students' academic achievement by increasing the capacity of States, local educational agencies, schools and local communities to (1) provide all students with access to a well-rounded education; (2) improve school conditions for student learning; and (3) improve the use of technology in order to improve the academic achievement and digital literacy of all students." 20 USC § 7111.

In October 2016, under President Obama and Secretary King, the U.S. Department of Education ("Department") issued Title IV-A guidance to States and local educational agencies.[71] That guidance highlights the role of States in determining whether an activity is an allowable use of funds. Further, it reiterates that, while local educational agencies must comply with certain application and fiscal requirements, the ESEA provides "substantial flexibility" in how school districts use these funds to meet the purposes of the program and allows educators to tailor investments based on their own assessments of the needs of their unique student populations.[72] Congress did not authorize me or the Department to make those decisions. As I have stated publicly on numerous occasions since I was nominated for this position, I will not legislate via fiat from the Department. Therefore, I will not take ***any action*** that would expand or restrict the responsibilities and flexibilities granted to State and local educational agencies by Congress.

---

[71] U.S. Department of Education, *Non-Regulatory Guidance: Student Support and Academic Enrichment Grants* (Oct. 2016).
[72] *Id.* at pp. 15 and 38.

I appreciate your interest in this matter and am sending an identical response to the cosigners of your letter. In the future, please feel free to contact me directly to discuss policy matters, instead of relying on faulty reporting. You can reach me at (202) 401-3000 or betsy.devos@ed.gov. As always, Peter Oppenheim, Assistant Secretary for Legislation and Congressional Affairs, is available at (202) 401-0020 any time you or your staff have any questions.

Sincerely,

Betsy DeVos

Betsy DeVos