

Local health officials do not have the authority to shut down all schools in their vicinity while COVID-19 cases rise, Texas Attorney General [Ken Paxton](#) said in nonbinding guidance Tuesday that contradicts what the Texas Education Agency has told school officials.

Shortly after Paxton's announcement, the [Texas Education Agency updated its guidance](#) to say it will not fund school districts that keep classrooms closed because of a local health mandate, citing the attorney general's letter. Districts can receive state funding if they obtain TEA's permission to stay closed, as allowed for up to eight weeks with some restrictions.

The change represents an about-face for the agency, which previously said it would fund districts that remained closed under a mandate. It will impact schools in at least 16 local authorities, many in the most populous counties, that have issued school closure mandates in the past month.

The guidance is non-binding, but local health authorities could face lawsuits especially now that Paxton has weighed in. Paxton's office declined to comment on whether it would sue local health officials that don't retract mandates, saying it could not comment on hypothetical or potential litigation.

After Texas ordered schools to reopen their classrooms this fall, county and city public health officials began to push back, ordering all public and private schools in their areas to stay closed through August and in some cases September.

The officials cited a state law giving health officials authority to control communicable diseases. But Paxton said in the letter that "nothing in the law gives health authorities the power to indiscriminately close schools — public or private — as these local orders claim to do. ... It does not allow health authorities to issue blanket quarantine orders that are inconsistent with the law."