



Department of  
**Education**

# Supplement, Not Supplant Guidance

Tennessee Department of Education | March 2022



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# Chapter 1: Supplement Not Supplant Overview

## **Supplement, Not Supplant: Background and Purpose**

Supplement, not supplant (SNS) is a statutory provision across numerous federal grant programs, including:

- Title I, Part A - Improving Basic Programs Operated by LEAs
- Title I, Part C - Education of Migratory Children
- Title I, Part D - Neglected, Delinquent, or At-Risk
- Title II, Part A - Supporting Effective Instruction
- Title III, Part A - English Language Acquisition, Language Enhancement, and Academic Achievement
- Title IV, Part A - Student Support and Academic Enrichment Grants
- Title IV, Part B - 21st Century Schools,
- Title V, Part B, Subpart 2 - Rural and Low-Income Schools Program
- McKinney-Vento Education for Homeless Children and Youths
- Individuals with Disabilities Education Act (IDEA)
- Carl D. Perkins Career and Technical Education Act of 2006

The supplement, not supplant provision requires that federal grant funds must add to (or supplement) and not replace (or supplant) other funds (state/local) in providing general educational services. <sup>ii</sup> This provision has been part of the Elementary and Secondary Education Act (ESEA) and other federal grant programs since 1970 and is maintained in the Every Student Succeeds Act (ESSA).<sup>i</sup> The purpose of the provision is to ensure that federal funds are utilized to benefit the intended population in the authorizing statute and not being used to fund the basic education that the LEA would have provided in the absence of federal funds.<sup>iii</sup>

*The supplement, not supplant provision requires that federal grant funds must add to (or supplement) and not replace (or supplant) other funds (state/local) in providing general educational service.*

In June 2019, new [non-regulatory guidance](#) was released, and it noted that while the general SNS requirements remain largely unchanged, ESEA § 1118(b)(3) “contains a new provision that represents a significant change” from the previous supplement not supplant requirement, with respect to a targeted assistance school and Title I, Part A funds used at the LEA level.

## **General Presumptions of Supplanting**

In general, there are three cases in which the U.S. Department of Education (ED) will presume that supplanting has occurred. In each of the cases, it is the LEA’s responsibility to meet the burden of proof to rebut the presumption of supplanting. The three presumptions of supplanting are listed below.

**NOTE:** The below presumptions do not apply to Title I, Part A. Additional information on SNS in Title I, Part A can be found in [Chapter 2: Title I, Part A SNS Methodology](#).

### **1. Providing services required under state or local law**

Any service that a local educational agency (LEA) is required to provide under state board rule or policy, state mandate, or local rule or policy must be provided using **state or local funds**. If federal funds are used to provide these services, it is presumed that supplanting has occurred.

If federal funds are used to enhance or expand a state mandate, state board rule or policy, or local rule or policy, then the federal supplemental activities must be separately identified and clearly distinguishable from

those that are necessary for implementation. The LEA must be able to document a clear plan for meeting the requirement and another plan for providing supplemental activities from federal funds.

## ***2. Providing services that were provided in a prior school year with state or local funds***

Any service that was provided in the prior year with state or local funds that are then replaced by federal funds is assumed to be supplanting. LEAs are not permitted to use federal funds to replace state or local funds.

To refute the “prior year” test of supplanting, the LEA would need to have contemporaneous records to confirm that budget cuts were made in a number of areas; **and** there was a reduced amount of state or local funds to pay for this activity/position; **and** the LEA made the decision to eliminate the activity/position without taking into consideration federal funds. An example of an allowable exception is in [Chapter 3: Additional Considerations](#).

## ***3. Providing the same service using federal and nonfederal programs***

LEAs may not provide services through a federally-funded program to students if they are also providing the same services to other students using state or local funds. For example, a LEA-wide positive behavior initiative generally could not be funded with state or local funds in its non-title schools while using federal funds for the same initiative in its Title I schools.

## ***Program Overviews & Program-Specific SNS Guidance***

The information below outlines how the SNS provision is applied to each federal program.

### ***Title I, Part A: Improving Basic Programs Operated by Local Education Agencies (Title I, Part A § 1118(b))iv***

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**Purpose:** The purpose of the Title I, Part A program is to provide federal dollars to supplement educational opportunities for students who attend schools with high numbers or percentages of children from low-income families and are most at risk of failing to meet the state’s challenging academic achievement standards. Title I, Part A funds are intended to provide supplemental supports and resources such that all students have a significant opportunity to receive a fair, equitable, and high-quality education and to close educational achievement gaps.

**SNS Guidance:** Title I, Part A funds for **LEA- and school-level** spending must only be used to supplement the funds that would—in the absence of Title I, Part A funds—be made available from state and local sources for the education of students participating in Title I programs and not to supplant such funds.

To demonstrate compliance with the Title I, Part A supplement, not supplant provision for **LEA- and school-level** expenditures, LEAs must annually demonstrate the methodology used to allocate state and local funds to each Title I school. This ensures that each Title I school receives all of the state and local funds it would otherwise receive if it were not a Title I school. Additional information on SNS in Title I, Part A can be found in [Chapter 2: Title I, Part A SNS Methodology](#).

### ***Title I, Part C: Education of Migratory Children (Title I, Part C, § 1304(c)(1)-(2))v***

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**Purpose:** The purpose of Title I, Part C, Migrant Education Program (MEP) is to assist states in supporting high-quality and comprehensive educational programs and services throughout the year that address the unique educational needs of migratory children.

A "migrant student" is defined as a student who is (or whose parent/guardian is) a migratory fisher, dairy worker, or agricultural worker (including canning and meat packing), and who in the preceding 36 months has

moved from one school LEA to another in order for the worker to obtain temporary or seasonal employment in agricultural or fishing work.<sup>vi</sup>

**SNS Guidance:** Title I, Part C funds must be used to supplement, and not supplant, any state, local, and other federal funds that would otherwise be used for migrant students. In other words, activities must be in addition to what would be supplied or carried out through state, local, or other federal funds.

***Title I, Part D: Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk (Title I, Part D, § 1415(b))<sup>vii</sup>***

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**Purpose:** The purpose of Title I, Part D is to improve educational services for children and youth in local, tribal, and state institutions for neglected or delinquent children and youth so that these children have the opportunity to meet the same challenging state academic standards that all children in the state are expected to meet, including to:<sup>viii</sup>

- provide services needed to make the successful transition to further schooling or employment;
- prevent at-risk youth from dropping out of school; and
- provide dropouts and children and youth returning from correctional facilities or institutions for neglected or delinquent children and youth with a support system to ensure their continued education and the involvement of their families and communities.

**SNS Guidance:** Title I, Part D programs must supplement the number of instructional hours students receive from state and local sources and shall be considered in compliance with the supplement not supplant requirement of ESEA § 1118 without regard to the subject areas in which instruction is given during those hours.

***Title I, Part 1003(a): (Title I, § 1003(a); § 1003(e)(2) § 1114(a)(2)(B) § 1118(b)).<sup>ix</sup>***

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**Purpose:** The purpose of Title I, school improvement funds is to provide support to LEAs with one or more schools implementing comprehensive support and improvement activities, referenced as Priority, Comprehensive Support and Improvement (CSI), Targeted Support and Improvement (TSI), or Additional Targeted Support and Improvement (ATSI) schools. Support is provided through the direct allocation of funds to eligible LEAs or through the provision of supports and services to eligible LEAs by the state educational agency.

**SNS Guidance:** A school participating in a school-wide program shall use funds available to carry out this section only to supplement the amount of funds that would, in the absence of funds under this part, be made available from state and local sources for the school, including funds needed to provide services that are required by law for students with disabilities and students with limited English proficiency.

***Title II, Part A: Preparing, Training, and Recruiting High-Quality Teachers, Principals, and Other School Leaders (Title II, § 2301)<sup>x</sup>***

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**Purpose:** The purpose of Title II is to provide students from low-income families and minority students with greater access to effective educators, including:

- improve the quality and effectiveness of teachers, principals, and other school leaders;
- increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools;
- provide low-income and minority students greater access to effective teachers, principals, and other school leaders; and
- increase student achievement on the challenging state academic standards.

**SNS Guidance:** Funds made available under Title II shall be used to supplement and not supplant state and local funds that would otherwise be used for activities authorized under Title II.

Title II funds could supplement state and local mandates. For example, if state law mandated a certain number of hours of professional development on a particular topic, Title II could support additional training on that topic. A LEA could coordinate Title II with Title I, Part A funds without facing a supplanting issue as long as the activities are allowable under the applicable programs. For example, a new educational intervention program could be split-funded: Title I funds could fund the instructional supplies, and Title II could fund the training for teachers on how to implement with fidelity. Title II funds can be used across all schools, regardless of their Title I status.

***Title III, Part A: English Language Acquisition, Language Enhancement, and Academic Achievement Act (Title III, Part A, § 3115(g))<sup>xi</sup>***

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**Purpose:** The purpose of Title III, Part A is to improve the education of English learners (ELs) and immigrant children and youth (IY) by assisting students in learning English and meeting the challenging state academic standards. Broadly, local educational agencies (LEAs) can use Title III, Part A funds for items such as resources to support strong English learner (EL) instructional practices, teacher professional development, and EL family support and engagement. (ESSA, Title III, Part A § 3102)

**SNS Guidance:** Title III, Part A funds must be used to supplement the level of other federal, state, and local public funds that, in the absence of Title III funds, would have been expended for programs for English learners and immigrant children and youth and in no case to supplant such federal, state, and local public funds.<sup>xii</sup>

The LEA must ensure that any services provided with Title III, Part A funds are supplemental and could not be used to meet a requirement of any other federal programs, including Title I, Part A. For example, Title I requires schools and LEAs to communicate with parents in the language they can understand. As such, Title III funds could not be used for this communication; however, Title III funds could be used for supplemental communication. Title III funds can be used across all schools, regardless of their Title I status.

***Title IV, Part A: Student Support and Academic Enrichment Grants (Title IV, Part A § 4110)<sup>xiii</sup>***

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**Purpose:** The purpose of Title IV, Part A, Student Support and Academic Enrichment Grants (SSAE) is to provide funds to improve students' academic achievement across all schools (regardless of Title I status) by increasing the capacity of state educational agencies, LEAs, and local communities to:

- provide all students with access to a well-rounded education;
- improve school conditions for student learning; and
- improve the use of technology in order to improve the academic achievement and digital literacy of all students.

**SNS Guidance:** Title IV, Part A funds must be used by the LEA to supplement and not supplant state and local funds that would otherwise be used for activities authorized under Title IV, Part A. Title IV, Part A funds can be used across all schools, regardless of their Title I status.

***Title IV, Part B: 21st Century Community Learning Centers (Title IV, Part B § 4204(b)(2)(G))<sup>xiv</sup>***

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**Purpose:** The purpose of Title IV, Part B is to support the establishment or expansion of activities in community learning centers that provide academic enrichment opportunities, including tutorial services, particularly to students who attend low-performing schools.

**SNS Guidance:** Title IV, Part B funds must be used by subgrantees to increase the level of state, local, and other nonfederal funds that would, in the absence of these funds, be made available for programs and activities authorized by Title IV, Part B, and in no case supplant other federal, state or local funds. Title IV, Part B funds can be used across all schools, regardless of their Title I status.



***Title V, Part B: Rural Education Initiative (Small Rural School Achievement (SRSA) & Rural and Low Income Schools (RLIS)) (Title V, Part B § 5232)<sup>xv</sup>***

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**Purpose:** Title V, Part B, also known as the Rural Education Achievement Program, addresses the unique needs of rural school LEAs, which frequently lack the personnel and resources needed to compete effectively for federal competitive grants. Also, these LEAs often receive formula grant allocations in amounts too small to be effective in meeting their intended purposes. Title V funds can be used to conduct activities under various ESSA programs. For this reason, it is one of the most flexible funding streams.

**SNS Guidance:** Title V, Part B funds must be used to supplement and to supplant other federal, state, or local education funds. The Title V funds take the rules and requirements (including SNS) of title program they are being utilized under. These funds can be used “like” Title I, Part A; Title II Part, A; Title III, Part A; Title IV Part B, and parent involvement activities.

***Title IX, Part A: Education for Homeless Children and Youth (Title IX, Part A, § 9103 McKinney- Vento Act § 723(a)(2)(iii))<sup>xvi</sup>***

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**Purpose:** The Education for Homeless Children and Youth (EHCY) program, authorized under the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act), is designed to address the needs of homeless children and youth and ensure educational rights and protections for these children and youth.

**SNS Guidance:** Title IX, Part A funds must be used by the LEA to supplement and not supplant other federal, state, and local funds that would otherwise be used for activities authorized under Title IX, Part A (McKinney-Vento). Title IX, Part A funds can be used across all schools, regardless of their Title I status as they are designed to support homeless students.

***IDEA, Part B: Individuals with Disabilities Education Act (IDEA (34 CFR § 300.202(a)(3)))<sup>xvii</sup>***

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**Purpose:** The purpose of IDEA, Part B 611 is to provide supplemental federal funds to pay for the excess cost of providing a free appropriate public education (FAPE) to children ages 3 to 21 who have been identified with disabilities in accordance with IDEA, Part B 611 requirements.

**SNS Guidance:** IDEA, Part B funds must be used to supplement state, local, and other federal funds used for providing services to children with disabilities. If a LEA meets maintenance of effort, it will satisfy the supplement not supplant requirements of IDEA.<sup>xviii</sup> IDEA, Part B funds can be used across all schools, regardless of their Title I status as they are designed to support students with disabilities.

***IDEA, Part B, Section 619: Individuals with Disabilities Act (IDEA (34 CFR 300.162(c))<sup>xix</sup>***

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**Purpose:** The purpose of IDEA, Part B 619 is to provide supplemental funding to LEAs in order to provide eligible, identified special education children (ages 3 through 5) with instructional and related services. IDEA, Part B 619 funds are intended to be used in combination with IDEA, Part B 611 funds to cover excess costs associated with serving children ages 3 through 5 with disabilities.

**SNS Guidance:** IDEA, Part B Section 619 funds must be used to supplement state, local, and other federal funds used for providing services to children with disabilities. If a LEA meets maintenance of effort, it will satisfy the supplement, not supplant requirements of IDEA. IDEA, Part B, Section 619 funds can be used across all schools, regardless of their Title I status.

***IDEA, CEIS: Coordinated Early Intervening Services (CEIS (IDEA (34 CFR § 300.226(e)))<sup>xx</sup>***

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**Purpose:** CEIS is a set of coordinated services for students in kindergarten through grade 12 (with a particular emphasis on students in grades K-3) who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment.<sup>xxi</sup>

**SNS Guidance:** The general supplement, not supplant requirement for IDEA funds in 34 CFR § 300.202(a)(3) states that funds provided to LEAs under Part B of IDEA must be used to supplement state, local, and other federal funds and not to supplant those funds. This requirement applies to all Part B funds, including any used for CEIS.

With regard to CEIS, supplanting is presumed if a LEA uses IDEA funds:

1. to provide services the LEA is required to make available under other federal, state, or local laws; or
2. to provide services that were paid for with other funds in a prior year, including if IDEA funds are used for CEIS activities coordinated with activities funded under ESSA, and IDEA funds are used to provide services that were paid for with ESSA funds in the prior year.

***Carl D. Perkins Career and Technical Education (Perkins) (CTE Title III, Part A, § 311)***<sup>xxii</sup>

**Purpose:** The purpose of Perkins funds is to provide supplemental resources to support academic and career and technical skills of secondary students who elect to enroll in career and technical education programs.

**SNS Guidance:** Perkins funds must be used by the LEA to supplement and not supplant state and local funds that would otherwise be used for activities authorized under Perkins. Perkins funds can be used across all schools, regardless of their Title I status.

In addition, ED’s Office of Career, Technical, and Adult Education (OCTAE) presumes supplanting when a LEA uses Perkins funds to provide a service to career and technical education students that the LEA provides to non-participating students with state or local funds.<sup>xxiii</sup>

**Summary Chart**

The chart below summarizes each federal program and whether or not program activities must be supplemental only to state and local funds or if program activities must also be supplemental to federal funds.

Program activities must be supplemental to <b>state and local funds</b>	Program activities must be supplemental to <b>state, local, and other federal Funds</b>
Title I, Part A	Title III, Part A
Title I, Part D	Title IV, Part B
Title I, 1003(a)	Title V, Part B
Title II, Part A	IDEA, Part B, 611 & 619
Title IV, Part A	IDEA, CEIS
Perkins	Title IX, McKinney-Vento



# Chapter 2: Title I, Part A Supplement Not Supplant Methodology

## Overview

Under ESSA, an LEA may use the Title I, Part A funds it receives only to supplement the funds that would, in the absence of the Title I, Part A funds, be made available from state and local funds for the education of students receiving Title I, Part A services. This requirement is largely unchanged from the supplement, not supplant requirement in the ESEA prior to the authorization of ESSA; however, the manner in which LEAs demonstrate compliance with the supplement, not supplant requirement has changed.

The change in demonstrating compliance was intended to simplify the test and to move away from the expenditure-by-expenditure analysis (specific cost test) at the LEA and school levels. Under the new requirements, according to ESSA § 1118(b), “a local educational agency shall demonstrate that the methodology used to allocate state and local funds to each school receiving assistance under this part ensures that such school receives all of the state and local funds it would otherwise receive if it were not receiving Title I funds.”<sup>xxiv</sup> Further, the law specifically states:

One this is demonstrated, no local educational agency shall be required to –

- A. Identify that an individual cost or service supported under [Title I, Part A] is supplemental; or
- B. Provide services under (Title I, Part A) through a particular instructional method or in a particular instructional setting in order to demonstrate such agency’s compliance with (the supplement not supplant requirement). (ESEA § 1118(b)(3))

As a result of this change, LEAs cannot be required to use the three presumptions traditionally used to determine whether an identified use of Title I, Part A funds constitutes supplanting. Instead, an LEA must show compliance with the supplement supplant provision by demonstrating that the manner in which it allocates state and local funds to schools is “Title I neutral,” meaning the methodology does not account for any Title I, Part A funds received by schools. In fact, LEAs must distribute state and local funds to all schools as if no Title I funds were available to any schools in the LEA. (ESEA § 1118(b)(2)). The funding methodology that an LEA uses must also provide sufficient state and local funds to provide an adequate general education program in all schools.

Title I, Part A Supplement, Not Supplant Compliance Prior to ESSA	Title I, Part A Supplement, Not Supplant Compliance Under ESSA
<p>Three conditions were applied to determine if LEAs were in compliance:</p> <ol style="list-style-type: none"> <li>1. If Title I, Part A funds were used to provide services required under federal, or state law.</li> <li>2. If Title I, Part A funds were used to provide services that were funded by non-federal funds in prior year(s).</li> <li>3. If Title I, Part A funds were used for Title I eligible students to participate in a program that is supported by other funds for the rest of the population.</li> </ol>	<p>ESSA requires LEAs to demonstrate that the LEA methodology used to allocate state and local funds to schools results in each Title I school receiving all the State and local funds it would otherwise receive if it were not receiving Title I, Part A funds.</p> <p>ESSA explicitly prohibits requiring LEAs to identify that an individual cost or service, supported with Title I, Part A funds, is supplemental.</p>

Specific funding methodologies to distribute state and local funds are not mandated by federal legislation or by the state education agency. However, LEAs must annually demonstrate that a funding methodology has been adopted and utilized to distribute state and local funds to all schools as a prerequisite for receiving Title I funds. Acceptable funding methodologies can be based on student enrollment, student/teacher ratios, student characteristics, or a combination of these factors. Single-school LEAs and LEAs with only one school per grade span are exempt from providing a written methodology.

Once the supplement, not supplant provision is met through the funding methodology and evidence is provided that each Title I school received its “fair share” based on the LEA’s funding methodology, items supported by Title I at the LEA and school levels are deemed to be supplemental. Thus, **complying with supplement, not supplant for Title I, Part A becomes a funding test, not an expenditure-by-expenditure test.** An FAQ with additional details can be found [here](#).

**Note:** The three-question, [specific-cost test](#) still applies to Title I, Part C; Title I, Part D; Title II, Part A; Title III, Part A; Title IV, Part A; and Title IV, Part B.

## ***Supplement Not Supplant & Comparability***

The Title I SNS requirements may seem similar to comparability, as both look at how LEAs distribute state and local funds and/or resources to schools. However, they are separate tests that measure different things. Comparability is a test to ensure that services provided from state and local funds, taken as whole, are comparable between Title I and non-Title I schools. SNS requires LEAs to demonstrate that state and local funds are distributed to all schools in a “Title I neutral” manner.

## ***Methodology***

LEAs must provide the supplement, not supplant budget methodology that is used to allocate State and Local Funds to schools and illustrates equitable funding for all schools to the department via the Consolidated Funding Application each year.

The Title I, Part A- Supplement Not Supplant page asks LEAs to:

- specify if their methodology is a single LEA-wide process or a process that differs by grade-span, and
- identify the type of methodology to allocation school level funding: per-pupil, weighted per-pupil, based on personnel/non-personnel costs, or another method.

The SNS page also requires the LEA to specify how it allocates funds for PD, technology, supplies and materials. Note: The PD allocation question addresses PD provided to staff including education assistants, teachers, instructional coaches, administrators, and school counselors.

LEAs must also upload evidence of the LEA’s methodology to the Title I Related Documents page.

## ***Methodology Submission***

Title I, Part A methodologies must be submitted by LEAs by May 1 of each year as part of the submission of the Consolidated Funding Application (CFA). Beginning in FY23, LEAs must also complete the Supplement Not Supplant page within the Title I, Part A section of the CFA. See the [Technical Application Guide: FY23 CFA](#) for more information on the Supplement not Supplant page.

## **Title I-Like Activities<sup>xxv</sup>**

LEAs may *exclude* supplemental state and local funds used for any program that meets the intent and purpose of Title I, Part A. In other words, although a LEA may not reduce its allocation of general, state and local funds to a Title I, Part A school because the school receives Title I money, legislative requirements allow for a degree of flexibility when it comes to *supplemental* state and local funds.

For the SNS methodology purposes, state and local funds are considered *supplemental* if they are used to pay for a Title I-like activity or program. The questions below can be used to determine if the program is Title I-like. If the answer is yes to all of the first-round questions, the program is considered Title I-like. If the answer is **no to any of the first round questions, move on to the second-round questions**. If the answer is yes to **all** second-round questions, then the program is Title I-like.

Contact your assigned [FPO divisional coordinator](#) with specific questions.

### **First Round Questions**

- Is the program implemented in a school with at least 40 percent poverty?
- Is the program designed to promote school-wide reform and upgrade the entire educational operation of the school?
- Is the program designed to meet the educational needs of all students in the school, particularly those who are not meeting state standards?
- Will the program use the state's assessment system to review the effectiveness?
- ***If the answer is Yes to all of the above questions, the program is considered Title I-like. If the answer is No to any question, move on to the questions below.***

### **Second Round Questions**

- Does the program serve **only** students who are failing or most at risk of failing to meet state standards?
- Does the program provide supplementary services to participating students, designed to improve their achievement?
- Will the program use the state's assessment system to review the effectiveness?
- ***If the answer is Yes to all of the above questions, the program is considered Title I-like. If the answer is No to any question, the program is not considered Title I-like.***

# Chapter 3: Additional Considerations

## ***Equitable Services***

Title services must be in addition to and cannot replace or supplant services that would be provided by non-public schools to non-public school students. For example: A non-public school has reached out to ask if Title I, Part A funds can be used by the LEA to pay for computers for the non-public schools Title I eligible students, but the non-public school already pays for computers for the non-Title I eligible students. The use of funds is not allowable because the proposed use of funds is not in addition to services that would be provided by non-public schools.

## ***Transferring Funds***

If funds are transferred from one program to another, for example from Title IV, Part A to Title I, the funds must follow the supplement, not supplant guidelines of the program they are being transferred into.

## ***Program-Specific Questions & Answers***

For a list of program-specific questions and answers, see the chart on the next page.

Program	Question	Answer
Title I, A, Neglected	<p><b>Question:</b> A psychiatric residential facility that receives Title I, Part A—Neglected funds would like to use a portion of their funds to provide individual and group counseling once a week to their students. The facility states that by improving the social and emotional well-being of the child, they will be able to improve academic outcomes. Is this allowable?</p>	<p><b>Answer:</b> This use of funds is not allowable because as a psychiatric residential facility, the program should already be providing these services. If they used Title I, Part D, Subpart 2 to fund therapeutic services, they would be supplanting therapeutic services that they are already required to provide. In addition, the primary focus for the funds should be on academic endeavors.</p>
Title II	<p><b>Question:</b> Can Title II be used to pay for teachers to participate in training that is required under <a href="#">state law</a>?</p>	<p><b>Answer:</b> No, it would be supplanting to pay for a training that is required under state law with Title II, Part A.</p>
Title III	<p><b>Question:</b> The teacher student ratio for ESL teachers to English learners is at a minimum 1:35. The LEA's ratio is 1:35.2. Is it allowable to pay for the .2 of a teacher's salary with Title III funds?</p>	<p><b>Answer:</b> No, teachers are required at 1:35, and to pay for any portion of a required teacher's salary or benefits would be supplanting.</p>
	<p><b>Question:</b> Our LEA's consolidated funding application was questioned because we listed pencils and paper in our budget under supplies and materials. Why was this questioned?</p>	<p><b>Answer:</b> It would be supplanting if other children in the school received pencils and paper from other funding sources. It is extremely hard to prove that basic supplies such as pencils and paper are supplemental to other supplies purchased in the school.</p>
Title IV, Part A	<p><b>Question:</b> An art teacher was funded with local funds last year but due to the increase in Title IV, Part A allocations, is it allowable to pay for the teacher with Title IV funds this year?</p>	<p><b>Answer:</b> No, this would be considered supplanting since the teachers were funded with local funds in the previous year. Title IV is subject to the specific-cost test for supplement, not supplant.</p>

Program	Question	Answer
Title IV, Part B	<p><b>Question:</b> Last year, drama was offered during the regular school day as an elective. With impending budget cuts, the LEA is proposing to use 21st CCLC grant funds to offer drama classes during the extended learning time instead of the regular school day. Participation in drama would be open to all students and not just those who attend the extended learning program. Is this considered supplanting?</p>	<p><b>Answer:</b> If there were no budget cuts, yes, this would be considered supplanting, because the 21st CCLC grant would be used to replace funds that were previously allocated for the drama class. If there were budget cuts that were supported by appropriate evidence, such as board minutes, and the LEA made the decision to eliminate the activity/position without taking into consideration federal funds, then no, this would not be considered supplanting.</p>
	<p><b>Question:</b> The LEA is proposing to offer a drama class to students who participate in the 21st CCLC program. Drama classes are not currently offered during the regular school day. Is this allowable?</p>	<p><b>Answer:</b> Yes, this is allowable. This example is offering a supplemental opportunity because the LEA is addressing a deficit in arts instruction that is not currently available</p>
IDEA, Part B	<p><b>Question:</b> A school is implementing a positive behavior system where all teachers and administrators hand out raffle tickets to students who are observed demonstrating the school's core values. At the end of each nine weeks, the school randomly selects five students from each grade to be able to pick a prize from the prize basket. The LEA wants to use IDEA funds to buy some of the prizes, as special education students may win some throughout the year. Is this cost allowable?</p>	<p><b>Answer:</b> No. IDEA funds are to be used for the excess cost associated with providing services to special education students. In addition, the LEA is responsible for treating all students, including any identified as needing special education services, as regular education students first.</p>
IDEA, Section 619	<p><b>Question:</b> A LEA is planning to fund a renovation to a playground that is used exclusively by two state funded Voluntary Pre-K (VPK) classrooms. These two classrooms combined have 40 children enrolled, eight (20 percent) of which have Individualized Education Programs (IEPs). Based on the percentage of children with disabilities, the LEA wants to use IDEA funds to cover 20 percent of the playground renovation costs. Is this allowable?</p>	<p><b>Answer:</b> No. This approach would be considered supplanting. All children enrolled in the state's Voluntary Pre-K program are considered general education VPK students first. Having an available playground is considered part of meeting the needs of all VPK students, and IDEA funds should not be used in this manner.</p>
	<p><b>Question:</b> Using the same information from Scenario 1, as a part of the LEA's overall playground renovation, they want to use IDEA funds to purchase and install some specialized equipment, including a swing designed to be used with children who lack sufficient torso and motor control needed to use a typical swing. Can IDEA funds be used to purchase equipment such as this to meet the needs of children with IEPs?</p>	<p><b>Answer:</b> Yes. Using IDEA funds for this targeted purpose for children with disabilities would be considered as supplementing the other funds the LEA would be using for the general renovation. It is permissible to use IDEA funds for the purchase of specialized playground equipment necessary to enable children with IEPs to meaningfully access and engage in the use of the playground.</p>

Program	Question	Answer
Title IX, Part A	<p><b>Question:</b> A LEA wants to use funds for technology for the students experiencing homelessness to use in the class setting. The LEA is moving towards using personal devices for instruction. This will allow equitable access to technology. The items will be inventoried and labeled for only the students experiencing homelessness to use. Is this allowable?</p>	<p><b>Answer:</b> No. If the LEA is moving toward all students using tech in the classroom, then it essentially becomes a mandatory part of the curriculum, like a textbook. If that's the case, buying technology for students experiencing homelessness out of McKinney-Vento funds would be considered supplanting.</p>
	<p><b>Question:</b> Can we use funds to pay for diesel fuel for buses that have to transport students that are experiencing homelessness?</p>	<p><b>Answer:</b> Yes. The LEA must provide documentation that shows the diesel fuel purchased was an additional cost to transport students experiencing homelessness and not the standard cost of fuel to transport all students as it was providing transportation to someone additional to the regular routes.</p>
Perkins	<p><b>Question:</b> An LEA is providing wireless networking for all classrooms in the district, using state and local funds. The district does not have enough funds to network all the classrooms so proposes using Perkins funds as expanding technology. Is this allowable?</p>	<p><b>Answer:</b> No, this is considered supplanting because it is using federal funds for services for CTE students that the district is providing with state and local funds to non-CTE students</p>



# References

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- i Every Student Succeeds Act (ESSA). [Web](#).
- ii Every Student Succeeds Act (ESSA). [Web](#). § 2301.
- iii FACT SHEET: Supplement not Supplant under Title I of the Every Student Succeeds Act. [Web](#).
- iv Every Student Succeeds Act (ESSA). [Web](#). § 1118(b)
- v Every Student Succeeds Act (ESSA). [Web](#). § 1304(c)(1)-(2)
- vi Title, I Part C- Education of Migratory Students. [Web](#).
- vii Every Student Succeeds Act (ESSA). [Web](#). § 1415(b))
- viii Every Student Succeeds Act (ESSA). [Web](#). § 1401.
- ix Every Student Succeeds Act (ESSA). [Web](#). § 1003(e)(2) § 1114(a)(2)(B) § 1118(b)
- x Every Student Succeeds Act (ESSA). [Web](#). § 2301
- xi Every Student Succeeds Act (ESSA). [Web](#). § 3115(g)
- xii U.S. Department of Education guidance, *Supplement Not Supplant Provision of Title III of the ESEA*. [Web](#).
- xiii Every Student Succeeds Act (ESSA). [Web](#). § 4110
- xiv Every Student Succeeds Act (ESSA). [Web](#). § 4204(b)(2)(G))
- xv Every Student Succeeds Act (ESSA). [Web](#). § 5232
- xvi Every Student Succeeds Act (ESSA). [Web](#). § 9103 McKinney-Vento Act § 723(a)(2)(iii)
- xvii Individuals with Disabilities (IDEA). [Web](#). 34 CFR § 300.202(a)(3)
- xviii U.S. Department of Education. Funds for Part B of the Individuals with Disabilities Education Act Made Available under the American Recovery and Reinvestment Act of 2009. C-6. [Web](#).
- xix Individuals with Disabilities (IDEA). [Web](#). 34 CFR 300.162(c)
- xx Individuals with Disabilities (IDEA). [Web](#). 34 CFR § 300.226(e)
- xxi 34 CFR § 300.226(a); Individuals with Disabilities Education Act § 613(f).
- xxii Carl D. Perkins Career and Technical Education Act, as Amended by the Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act. [Web](#).
- xxiii Carl D. Perkins Career and Technical Education Act, as Amended by the Strengthening Career and Technical Education for the 21<sup>st</sup> Century Act. [Web](#).
- xxiv Every Student Succeeds Act (ESSA). [Web](#). §1118(d)
- xxv Every Student Succeeds Act (ESSA). [Web](#). §1118(d)