

# Supplement, Not Supplant Requirements

Elementary and Secondary Education Act, as amended  
by the Every Student Succeeds Act

## What is Supplement, Not Supplant?

In general, federal funds allocated to subgrantees (e.g., districts) through the Elementary and Secondary Education Act (ESEA) should be supplemental to other funds available to schools and districts. ESEA funds may not be used to take the place of, or supplant, other funds. Note: Within ESEA “supplement, not supplant” (SNS) requirements vary by program.

## Federal Grant Funds Must Not Replace

Table provides the types of funding each ESEA program may not replace.

ESEA Funding	Federal Funds	State Funds	Local Funds	Statute/Regulations
Title I, Part A		✓	✓	Sec. 1118(b) 34 CFR 200.25(d)
Title I, Part C	✓	✓	✓	Sec. 1304(c)(2) Sec. 1306(b)(2) 34 CFR 200.88
Title I, Part D		✓	✓	Sec. 1415(b)
Title II, Part A		✓	✓	Sec. 2301
Title III, Part A	✓	✓	✓	Sec. 3115(g)
Title IV, Part A		✓	✓	Sec. 4110
Title IV, Part B (21 <sup>st</sup> CCLC)	✓	✓	✓*	Sec. 4204(b)(2)(G)
School Improvement		✓	✓	Sec. 1003(e)(2) Sec. 1118(b)

\* Funds may not replace public nor private funds.

## Supplement, Not Supplant Presumptions

Applies to Title I-C; Title I-D; Title II-A; Title III-A; Title IV-A; and Title IV-B.

Does not apply to Title I-A or School Improvement; refer to the [Title I SNS Requirements](#) section.

**Supplanting is presumed** if either of the following is true:

A district uses federal funds to provide services that are required under other federal, state, or local laws.

A district uses federal funds to provide services that the district provided with non-federal funds in the prior year.

**These presumptions may be overcome if the district can demonstrate that it would not have provided the services absent the availability of these federal funds.**

## Questions to Ask When Determining SNS

**If the district did not have federal funds available to conduct this activity/service, would the district still conduct it with state or local funds anyway?**

- If the answer is yes, the district is most likely supplanting because it is no longer a supplementary activity. The district must be able to demonstrate that the district could not conduct the activity if it were not for the federal funds.

**Is the program required by federal, state, or local law?**

- If the answer is yes, you are supplanting because the activity is required and not supplemental.

**Were local funds used to pay for the activity/service in the prior year?**

- If the answer is yes, you are supplanting because federal funds are being used to replace local funds and not to provide new opportunities.

## Additional Information

ESEA Program	Additional Information
<b>Title I, Part C</b>	In addition to supplementing state and local funds, the statute requires that Title I-C funds be used to address the needs of migratory children that are not addressed by services available from other federal or non-federal programs. This is very similar to the supplement, not supplant rule, but it applies to services funded by federal or non-federal programs. In essence, it means that if there are other services available that address the needs of migratory children, then migratory children must be selected for, and provided those services, on the same basis as other eligible children— prior to applying Title I-C funds.
<b>Title I, Part D</b>	According to Section 1415(b), if a Title I, Part D, Subpart 1 program supplements the number of hours of instruction students receive from state and local sources, it complies with supplement, not supplant requirements without regard to the subject areas in which instruction is given during those hours.
<b>Title III, Part A</b>	In addition to supplementing state and local funds, Title III-A requires that funds supplement federal funds. Title III, Part A funds may not be used to meet requirements of federal laws governing English learners (Title VI of the Civil Rights Act of 1964 and Equal Education Opportunities Act of 1974).
<b>Title IV, Part B (21<sup>st</sup> CCLC)</b>	In addition to supplementing federal, state, and local public funds, Title IV-B requires that funds also supplement other non-federal funds, such as funds from private contributions obtained through grants and donations, fundraising events, and parent fees.

# Title I SNS Requirements

Applies to Title I-A and School Improvement.

## Title I-A

- **For Title I-A, compliance with SNS is not measured by looking at individual Title I-A expenditures. Instead, SNS compliance is measured by whether the district has a written methodology to ensure that each Title I-A school receives all the state and local funds that it would have received if it were not a Title I-A school.** Title I-A funds therefore may be spent for any allowable expenditure regardless of what funds were used to pay for it in the past or whether state or local funds pay for the same expenditure in non-Title I-A schools.
- **Evidence of compliance:** Districts must demonstrate that the methodology they use to allocate state and local funds is “Title I-A neutral.” The methodology must provide each Title I school with all the state and local money it would receive if it did not participate in the Title I-A program. In other words, a school may not be shortchanged state and local funds simply because it receives Title I-A funds. District methodologies are submitted each year through the [ESEA Consolidated Application](https://gms.education.alaska.gov) (gms.education.alaska.gov).

**Exception:** A district need not have a methodology to comply with ESEA section 1118(b)(2) if it has:

- One school;
- Only Title I-A schools; or
- A grade span that contains only: a single school, non-Title I-A schools, or Title I-A schools (i.e., no methodology is required for this grade span)

- **Targeted assistance schools:** Because SNS is no longer measured on an expense-by-expense basis for Title I-A, a district with a targeted assistance school is not required to show *for SNS* that it is using Title I funds to provide additional services that would not otherwise be provided to identified children, as long as state and local funds are allocated to that school through a Title I-A neutral methodology. However, to be *allowable*, expenses need to support services for those students targeted for assistance.

## Comparison of Title I-A Maintenance of Effort, Comparability, and SNS Fiscal Rules

Title I-A Fiscal Requirements		
Maintenance of effort	Comparability	Supplement, not supplant
Requires districts to have a consistent base of state and local funding for public education from year to year.	Requires that state and local funds are used, as a whole, to provide services that are comparable among Title I-A and non-Title I-A schools.	Requires that districts distribute state and local funds to schools without regard to whether a school receives Title I-A funds.

## School Improvement

Section 1003(e)(2) requires districts to assure that each school the district serves with section 1003 school improvement funds will receive all the state and local funds it would have received in the absence of the section 1003 funds. Under section 1118(b)(2), each district must allocate state and local funds to each Title I-A school through a methodology that ensures the school receives all the state and local funds it would otherwise receive if it were not receiving Title I funds. Assuming a school district allocates state and local funds through its methodology first, any school that receives section 1003 funds would already have received, through the district’s methodology, all the state and local funds it would have received absent the 1003 funds. Thus, the district would be complying with both 1118(b)(2) and 1003(e)(2).

## Knowledge Check

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### Scenario 1

Last year your district was using Title I-A funds to pay for professional development for staff on trauma informed practices. This year, your district wants to use those Title I-A funds for a reading interventionist. Could the district use Title IV-A funds to pay for the professional development on trauma informed practices?

*Yes. This switch would not be supplanting and would be allowable assuming other Title IV-A requirements are met. For Title IV-A, supplanting applies only to replacing state and local funds.*

### Scenario 2

Last year your district was using Title IV-A funds to pay an after-school program at an elementary. Could the district use Title IV-B (21<sup>st</sup> CCLC) funds to pay for that program this year?

*No. This switch would be supplanting. For Title IV-B, supplanting includes other federal funds.*

### Scenario 3

A district has been using local funds to pay for a Title I-A school's reading intervention program. Could the district use Title I-A funds to fund the reading intervention program this year without violating supplement, not supplant requirements?

*Yes. if the district has distributed its state and local funds to the school in a Title-I-A neutral way, it may use its Title I-A funds for any expense allowable under Title I-A.*

### Scenario 4

The district wants to use Title III-A funds to identify and assess English learners. Would this be considered supplanting?

*Yes. This would be considered supplanting because the district is required to do this in the absence of Title III-A funds. Under federal law, specifically Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act (EEOA), districts have legal obligations to ensure that ELs can meaningfully and equally participate in educational programs and services.*

## Additional Resources

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### Federal Law

- [Elementary and Secondary Education Act](#)
- [Title I-A and Title I-C Regulations](#)
- [Uniform Grant Guidance](#)

### Non-Regulatory Guidance

- [Supplement Not Supplant Under Title I-A](#)
- [Education of Migratory Children Under Title I-C](#)
- [English Learners and Title III](#)
- [Student Support and Academic Enrichment Grants Under Title IV, Part A](#)
- [21<sup>st</sup> Century Community Learning Center](#)

### Alaska Department of Education and Early Development Resources

- [ESEA Federal Programs Webpage](#)
- [Federal Grants Management Webpage](#)
- [Title I-A Spending Handbook](#)
- [Title I-C Spending Handbook](#)
- [Title II-A Spending Handbook](#)
- [Title III-A Spending Handbook](#)
- [Title IV-A Spending Handbook](#)