



TN

Department of
Education

Supplement Not Supplant Guidance

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Chapter 1: Supplement Not Supplant Overview

Supplement Not Supplant Background & Definition

Supplement not supplant (SNS) is a statutory provision across numerous federal grant programs. 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)ⁱ. Since its inception, the rule has, in general, remained the same, yet the test differs across the specific federal grant programs. 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.ⁱⁱ

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 district would have provided in the absence of federal funds.ⁱⁱⁱ

Presumptions of Supplanting

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 district's responsibility to meet the burden of proof to rebut the presumption of supplanting. The three presumptions of supplanting are listed below.

1) Providing services required under state or local law

Any service that a district 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 district 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. Districts are not permitted to use federal funds to replace state or local funds.

To refute the "prior year" test of supplanting, the district 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 district made the decision to

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.

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

Districts 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 district-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. For a complete overview of the eligible uses of the program funds, please visit <https://ePlan.tn.gov> and review the Coordinated Spending Guide in the LEA document library or review the ESSA Program Overviews in [TDOE Resources](#) in the folder titled "ESSA Information, Guidance, PPTs, & Webinars."

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

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 **district-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. District-level expenditures must follow the three pronged specific cost test outlined above in the [Presumptions of Supplanting](#) section. School-level expenditures are allowable once the district has provided a "Title I neutral" funding methodology for schools.

To demonstrate compliance with the Title I, Part A supplement not supplant provision for **school-level** expenditures, districts must annually provide 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, A SNS Methodology](#).

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

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 district to another in order for the worker to obtain temporary or seasonal employment in agricultural or fishing work.^{vi}

SNS Guidance: The department does not award or allocate Title I, Part C funds to districts but instead partners with a non-profit entity to identify and serve migrant students in all districts across the state. These services are supplemental to what the district is providing. Thus, districts would not need to provide any supporting documentation for the SNS provision for Title I, Part C.

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))^{vii}

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:^{viii}

- 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.

A delinquent institution is defined by the federal government as a public or private residential facility for the care of children who have been adjudicated to be delinquent or in need of supervision.

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 [§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)).^{ix}

Purpose: The purpose of Title I, school improvement funds is to provide support to districts with one or more schools implementing comprehensive support and improvement activities, referenced as Priority, Comprehensive Support and Improvement (CSI), or Additional Targeted Support and Improvement (ATSI) schools. Support is provided through the direct allocation of funds to eligible districts or through the provision of supports and services to eligible districts 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: Preparing, Training, and Recruiting High-Quality Teachers, Principals, and Other School Leaders (Title II, § 2301)^x

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 district 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))^{xi}

Purpose: The purpose of the Title III, Part A program is to improve the education of English learners (ELs) by helping them learn English and meet challenging state academic standards. An EL can be any student who lists a language other than English on the home language survey and qualifies for services based on the W-APT or WIDA screener. The W-APT and WIDA screener are the tools utilized to assess a potential ELs student's English proficiency level.

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.^{xii}

The district 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 districts 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)^{xiii}

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, districts, 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 district 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))^{xiv}

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)^{xv}

Purpose: Title V, Part B, also known as the Rural Education Achievement Program, addresses the unique needs of rural school districts, which frequently lack the personnel and resources needed to compete effectively for federal competitive grants. Also, these districts 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, Title IV 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))^{xvi}

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 district 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)))^{xvii}

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 district meets maintenance of effort, it will satisfy the supplement not supplant requirements of IDEA.^{xviii} 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)))^{xix}

Purpose: The purpose of IDEA, Part B 619 is to provide supplemental funding to districts 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 district 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)))^{xx}

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.^{xxi}

SNS Guidance: The general supplement not supplant requirement for IDEA funds in 34 CFR § 300.202(a)(3) states that funds provided to districts 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 district uses IDEA funds:

1. to provide services the district 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)^{xxii}

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 district 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 district uses Perkins funds to provide a service to career and technical education students that the district provides to non-participating students with state or local funds.^{xxiii}

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 state and local funds	Program activities must be supplemental to state, local, and other federal funds
Title I	Title III
Title I, Part D	Title IV, Part B
Title I, 1003(a)	Title V, Part B
Title II	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

Every Student Succeeds Act (ESSA) changed the way in which a district demonstrates compliance with SNS for Title I in particular. 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 school level. 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.”^{xxiv}

Districts must distribute state and local funds to all schools as if no Title I funds were available to any schools in the district.

The funding methodology referenced in the statute is the manner in which a district distributes state and local funds to all schools. Schools must be funded in a “Title I neutral” manner, meaning the district does not make state and local funding decisions based on the Title I funds that schools will receive. In fact, districts must distribute state and local funds to all schools as if no Title I funds were available to any schools in the district. The funding methodology that a district uses must also provide sufficient state and local funds to

provide an adequate general education program in all schools.

Specific funding methodologies to distribute state and local funds are not mandated by federal legislation or by the state education agency. However, districts 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. Single-school districts and districts with only one school per grade span are exempt from providing a written methodology. Acceptable funding methodologies can be based on student enrollment, student/teacher ratios, student characteristics, or a combination of these factors.

Single-school districts and districts 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 district’s funding methodology, items supported by Title I in a targeted or school-wide program are deemed to be supplemental. Thus, **complying with supplement not supplant for Title I schools becomes a funding test, not an expenditure-by-expenditure test.** An FAQ with additional details can be found [here](#).

Title I District Set-Aside & District-Level Initiatives

It is important to note that the traditional three question, specific-cost test for SNS remains for Title I funds set aside and expended for district-level instructional initiatives. As such, Title I funds set aside at the district level **may not** be used to fund:

1. state-mandated activities or requirements,
2. positions, initiatives, or other expenditures funded with state and local dollars in non-title schools, or
3. positions, initiatives, or other expenditures funded with non-title dollars in the preceding year.

Note that the three question, [specific-cost test](#) still applies to Title I Part D, Title II Part A, Title III Part A, and Title IV Part A.

District-Level Exceptions

There are exceptions to this three-question traditional test for district-level expenditures. These exceptions, if applicable, should be part of a district's methodology and should be discussed with your assigned CPM regional consultant prior to implementation to determine allowability and to review required documentation. Exceptions include the following:

- Budget elimination: The school board has voted to eliminate a currently funded program/position (must be supported with board minutes, sign-in sheets etc.)
- District-wide Title I: One-hundred percent of schools in the district are Title I eligible AND served
- ["Title I-like" activities](#): The district provides additional funding (above the provided funding methodology) to fund activities that are deemed "Title I-like" across all schools. In other words, the district provides supplemental funding for academic enrichment.

Supplement Not Supplant & Comparability

The Title I supplement not supplant requirements may seem similar to comparability, as both look at how districts 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 a whole, are comparable between Title I and non-Title I schools.
- SNS requires districts to demonstrate that state and local funds are distributed to all schools in a "Title I neutral" manner.

Materials and services funded by Title I must be reasonable, allocable, necessary, and appropriately documented.

Most importantly, districts must continue to meet other Title I requirements such as school eligibility, student eligibility, maintenance of effort, comparability, consistency with the intent and purpose of Title I, and federal cost principles.

Methodology Samples

The department does not require the use of a mandated template or format for submission of the methodology; however methodologies must include school names, student enrollment (including the date enrollment data was pulled), grade levels served, student demographic data, factors being used to determine the funding allocations (including if there are differences by grade bands), assurance (see methodology examples), signature of director of schools or designee, and the date the methodology was signed.

It is important to note that staff should include education assistants, teachers, instructional coaches, administrators, and school counselors. The methodology **does not** need to include operational costs and does not need to include specific funding amounts. A complete Title I, Part A Supplemental Not Supplant Checklist can be found [here](#).

In order to support districts in writing methodologies, the department has provided three methodology samples [here](#) for districts to use as a reference. However, districts should not feel constrained to these examples as long as they are including all the items listed in the checklist.

Title I-Like Activities^{xxv}

Districts may *exclude* supplemental state and local funds used for any program that meets the intent and purpose of Title I-A. In other words, although a district may not reduce its allocation of general, state and local funds to a Title I-A school because the school receives Title I-A 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 on the next page can be used to determine if the program is Title I-like and the second round questions are not applicable. 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 CPM regional consultants 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.***

Title I-Like Activities Example

A district receives its accountability results in late fall to learn that proficiency levels in mathematics have dramatically decreased. To address, the district offers after-school tutoring for any student who scores below proficient on the state's mathematics assessment using state or local funds. Paying for eligible students in a school-wide program school with Title I-A funds and eligible students in a non-Title I Part A school with local supplemental funds would not violate the school-wide program supplement not supplant requirement.

This is true even though the school-wide program would not receive its share of the local supplemental funds to provide tutoring to eligible students. Rather, the local funds to provide tutoring in the non-Title I-A school would qualify for the exclusion because they are supplemental to the district's funding methodology and benefit students who, by virtue of being non-proficient in mathematics, are failing to meet the state's mathematics standards—thus "Title I-like".

Monitoring

In 2018-19, the regional finance consultants will be providing support and reviewing methodologies to provide feedback with a select group of districts.

Beginning with the 2019-20 consolidated funding application, the Title I, Part A methodologies will be reviewed by Consolidated Planning and Monitoring (CPM) staff during the submission and review process each spring. Districts selected for on-site fiscal monitoring will be required to discuss the methodology and provide appropriate supporting evidence of compliance. Districts will be required to demonstrate that they are funding schools in accordance with the submitted methodology as part of their fiscal monitoring.

Scenarios: Can I use Title I-A funds?

For more information, allowability charts can be found on the [Title I webpage](#).

Scenario 1: TNSucceeds District's practice is to use an average teacher-to-student ratio of 1 teacher for 20 students within a grade. One of the elementary schools has 60 students in third grade and three third grade teachers. Can TNSucceeds District pay one teacher with Title I-A funds and the remaining two with local funds?



Answer: It depends. The scenario listed above is allowable if decision-making authoring is given to the building leader AND the \$50,000 required to pay for the teacher would remain in the school and could be spent on something else. The school cannot receive \$50,000 less because one teachers is being paid with Title I funds. The scenario is NOT allowable if the hiring is managed at the district level. All three teachers would have to be paid with local funds.

Scenario 2: Can Volunteer District implement a district-wide initiative to cover the costs of Advanced Placement exams for low-income students? Volunteer District will set aside \$6,000 at the district level and then will use its Title I-A funds to pay the costs for students attending a Title I-A school and local funds to pay the costs for students attending non-Title I-A schools. Can they fund the initiative in this manner?



Answer: No. Because this is a district-wide initiative, the presumptions of supplanting and the specific-cost test apply. The district's initiative would provide the same service to non-Title I-A students with nonfederal funds as it would to Title I-A students with Title I-A funds. Accordingly, the \$6,000 reservation for the district-level initiative is not being allocated in a way that is Title I-A neutral because Title I-A schools will receive less local funding than non-Title I-A schools.

Scenario 3: Tennessee District has one child nutrition specialist per building and three bus drivers per building. Can Tennessee District use Title I-A funds to pay one bus driver and one Child Nutrition Specialist from the Title I-A school-wide school? Tennessee district will make sure that the district is still receiving the same amount of its state and local funds it would otherwise receive if it was not receiving Title I-A funds.



Answer: No. The cost is not allocable. Title I-A funds must be used to serve the purpose of the Title I-A program. The costs associated with the bus driver and Child Nutrition Specialist do not serve the purpose of the Title I-A program and therefore do not meet allocability requirements.

Chapter 3: Additional Considerations

Equitable Services

Title services must be in addition to and cannot replace or supplant services that would be provided by private schools to private school students. For example: A private school has reached out asking if they can use their Title I funds to pay for computers for Title I eligible students where the private school 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 private schools.

Transferring Funds

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

Refuting the Prior Year Supplanting Presumption Example- District level Expenditure

A district had funded a reading specialist to serve a Title I elementary school previous year from state and local resources but decides to use Title I funds to pay for that teaching position in the current year. In order for this not to be supplanting, the district must document that the position had been eliminated because of state budget cuts and that only *after* the position was eliminated the decision was made to fund it using federal funds. The district would need records to confirm the following:

- There was in fact a reduced amount or lack of state funds available to pay for the position.
- The district made the decision to eliminate the position without taking into consideration the availability of federal funding.
- The district had sufficient reasons to eliminate the position.

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>Question: A psychiatric residential facility that receives Title I, 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>Answer: 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>Question: Can a teacher be used to hire a class size reduction teacher in grade 5?</p>	<p>Answer: No, class size reduction teachers are only allowed in early grades (up to and through grade 3), with the appropriate evidence and if the required BEP ratio has been met with state or local funds. For more information, click here.</p>
Title III	<p>Question: Can the district transfer Title V funds to use for Title III?</p>	<p>Answer: Yes, districts may use Title V funds to pay for Title III expenditures if those expenditures are allowable for Title III funds. For example, the Title V funds could be used to pay for providing family literacy services and parent/family outreach but could not be used to pay for individual learning plan (ILP) training because it is not allowable to pay for state requirements with federal funding. ILPs are required in Tennessee State Board Policy 3.207.</p>
	<p>Question: The teacher student ratio for ESL teachers to English learners is at a minimum 1:35. The district'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>Answer: 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>Question: Our district's consolidated funding application was questioned because we listed line items in our budget for supplies and materials. We listed pencils and paper. Why was this questioned?</p>	<p>Answer: 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 these pencils and paper were supplemental to other pencils purchased in the school.</p>

Title IV, Part A	<p>Question: An art teacher was funded with local funds last year but due to the increase in Title IV allocations, is it allowable to pay for the teacher with Title IV funds this year?</p>	<p>Answer: No, this would be considered supplanting as the teachers were funded with local funds in the previous year, as Title IV is subject to the specific-cost test for supplement not supplant.</p>
	<p>Question: The district wants to use Title II and Title IV funds to pay for professional development on social-emotional learning for teachers and principals. Is this allowable?</p>	<p>Answer: Yes, districts are encouraged to leverage multiple funding opportunities when utilizing Title IV funds. This professional development is allowable as it falls within one of the three approved categories for Title IV: well-rounded education, safe and healthy students, and effective use of technology.</p>
Title IV, Part B	<p>Question: Last year, drama was offered during the regular school day as an elective. With impending budget cuts, the district 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>Answer: 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 district made the decision to eliminate the activity/position without taking into consideration federal funds, then no, this would not be considered supplanting.</p>
	<p>Question: The district 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>Answer: Yes, this is allowable. This example is offering a supplemental opportunity because the district is addressing a deficit in arts instruction that is not currently available</p>
IDEA, Part B	<p>Question: 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 district 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>Answer: No. IDEA funds are to be used for the excess cost associated with providing services to special education students. In addition, the district is responsible for treating all students, including any identified as needing special education services, as regular education students first.</p>

IDEA, Section 619	<p>Question: A district 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 district wants to use IDEA funds to cover 20 percent of the playground renovation costs. Is this allowable?</p>	<p>Answer: 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>Question: Using the same information from Scenario 1, as a part of the district'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>Answer: Yes. Using IDEA funds for this targeted purpose for children with disabilities would be considered as supplementing the other funds the district 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>
Title IX, Part A	<p>Question: A school district wants to use funds for technology for the students experiencing homelessness to use in the class setting. The district 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>Answer: It depends. If the district 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. If it's part of an afterschool program, then it is allowable and the technology must be inventoried and can only be used by students experiencing homelessness.</p>
	<p>Question: Can we use funds to pay for diesel fuel for buses that have to transport students that are experiencing homelessness?</p>	<p>Answer: Yes. The district 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

Question: A district 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?

Answer: 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

References

- 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 21st Century Act. [Web](#).
- ^{xxiii} Carl D. Perkins Career and Technical Education Act, as Amended by the Strengthening Career and Technical Education for the 21st Century Act. [Web](#).
- ^{xxiv} Every Student Succeeds Act (ESSA). [Web](#). §1118(d)
- ^{xxv} Every Student Succeeds Act (ESSA). [Web](#). §1118(d)