

SUPPLEMENT NOT SUPPLANT Rules for ESEA Programs

GENERAL BACKGROUND

The “supplement, not supplant” requirement ensures that children participating in Title I programs receive their fair share of services from state and local funds. Section 1120A(b) of the statute requires that the SEA and LEA use federal funds received under Title I only to *supplement* the amount of funds available from non-federal sources for the education of students participating in Title I. The SEA and LEA *cannot use* these federal funds *to supplant* (take the place of) funds that *would, in the absence of Title I funds, have been spent* on Title I students.

Federal funds cannot be used to pay for services, staff, programs, or materials that would otherwise be paid with state or local funds.

In a Targeted Assistance (TAS) school, students are selected based on academic need to receive Title I services. While LEAs and schools are not required to provide Title I services using a particular instructional method or in a particular instructional setting, the services supported by Title I must supplement the educational services that would be provided to students in the absence of Title I.

In a Schoolwide Program (SWP) school, schools must use Title I funds only to supplement the amount of funds that would, in the absence of Title I funds, be made available from non-federal sources for that school. Schoolwide programs do **not** have to select a target population for additional services or separately track federal program funds at the school level.

PRESUMPTION OF SUPPLANTING

According to [OMB Circular A-133, Compliance Supplement](#), Section III G. 2.2, there are three flags in “supplement, not supplant” where there is a presumption of supplanting, unless some other information is provided (see “Exclusions” below). **Supplanting has likely occurred if:**

- 1) Title I funds are used to provide services that are **required** to be made available **under other federal, state, or local laws** (e.g., Title I funds cannot be used take the place of services required for students with disabilities or limited English proficient students. Title I funds may be used to coordinate or supplement those services, but not supplant them.).
- 2) Title I funds are used to provide services that were **provided with nonfederal funds in the prior year**.
- 3) Title I funds are used to provide services to Title I eligible students while those same services are **provided to non-Title I students with non-federal funds** (e.g., pay for full-day kindergarten with Title I funds in Title I schools while providing full-day kindergarten in non-Title I schools with other state and local funds).

EXAMPLES OF SUPPLANTING:

1. A district used Title I funds to provide services that the district was required to make available under Federal, State, or local law.

The Individuals with Disabilities Education Act (IDEA) requires that an LEA serving children with disabilities develop an individualized education program (IEP) to ensure that a child with a disability receives a free appropriate public education. The IEP functions as a framework for the services the LEA is required to provide to each child to meet the requirements of IDEA. An LEA may not use Title I funds to provide services that must be provided under each child's IEP because, in the absence of the Title I funds, it is presumed that the LEA would use other funds or it would be in violation of the IDEA. However, in a targeted assistance school, an LEA may use its Title I funds to provide additional, supplemental services to such children. In a schoolwide school, an LEA must ensure the Title I funds a school receives supplement the amount of funds that would, in the absence of the Title I funds, be made available from non-Federal sources for that school, including the amount of funds needed to provide services that are required by law for children with disabilities.

2. A district used Title I funds to provide services that the district provided with non-Federal funds in the prior year(s).

An LEA paid for a reading specialist in a Title I school in the previous year from State and local resources but decides to use Title I funds to pay for that teaching position in the current year. This would be supplanting because the LEA is replacing State and local resources with Title I resources to pay for the same teaching position.

3. A district used Title I funds to provide services for children participating in a Title I program that the district provided with non-Federal funds to children not participating in Title I.

An LEA may not use Title I funds to pay for an extended-day kindergarten program for Title I schools and then use State or local funds to pay for a full-day kindergarten program in non-Title I schools. This would be supplanting because Title I schools would not be receiving any of the State or local funds. In other words, an LEA may not use Title I funds to pay for services in Title I schools and use State funds to pay for the same services in non-Title I schools.

REBUTTING A PRESUMPTION OF SUPPLANTING

The presumptions of supplanting is rebuttable if the LEA can demonstrate that it would not have provided the services in question with non-Federal funds had the Federal Title I funds not been available. The following are examples of documentation needed to rebut a presumption of supplanting:

- Fiscal or programmatic documentation to show that, in the absence of Title I funds, the staff or services in question would not have been provided.
- State or local legislative action (example: budget cuts)
- Budget histories

EXCLUSIONS

When determining whether Title I funding is supplemental, an SEA or LEA may exclude State and local funds expended in any school for carrying out a program that meets the intent and purposes of Title I, Part A.

A program meets the intent and purposes of Title I, Part A if the program either—

- Is implemented in a school in which the percentage of children from low-income families is at least 40 percent;
- Is designed to promote schoolwide reform and upgrade the entire educational operation of the school to support students in their achievement toward meeting the State's challenging academic achievement standards that all students are expected to meet; and
- Is designed to meet the educational needs of all students in the school, particularly the needs of children who are failing, or most at risk of failing, to meet the State's challenging student academic achievement standards

Or—

- Serves only students who are failing, or most at risk of failing, to meet the State's challenging student academic achievement standards; and
- Provides supplementary services designed to meet the special educational needs of students who are participating in the program to support their achievement toward meeting the State's student academic achievement standards.

ADDITIONAL RESOURCES

Maintenance of Effort

[OMB Circular A-133, Compliance Supplement](#)
[US ED Non-Regulatory Guidance: Fiscal](#)