

ESSA Entitlement Grants: Supplement Not Supplant Requirements

Title I, Part A; Title II, Part A; Title III, Part A and Title IV, Part A

What is Supplement not Supplant?

Generally, federal funds allocated to districts through the Elementary and Secondary Education Act (ESEA), in its current authorization as the Every Student Succeeds Act (ESSA), are supposed to be additive or supplemental to other funds available to schools in the district. ESSA Title funds may not be used to take the place of, or supplant, other funds. Notably, Title programs within ESSA have “supplement not supplant” (SNS) requirements that vary in some respects. The information below is designed to help navigate SNS for each Title program to allow you to use funds flexibly while remaining in compliance.

	Federal Grant funds must not replace:		
	Federal Funds	State Funds	Local Funds
Title I, Part A		✓	✓
Title II, Part A		✓	✓
Title III, Part A	✓	✓	✓
Title IV, Part A		✓	✓

Title I, Part A

Title I SNS Requirements

- The test:** For Title I, compliance with SNS is no longer measured by looking at particular Title I expenditures. Instead, SNS compliance is measured by whether the district has a written methodology to ensure that each Title I school receives all of the state and local funds that it would have received if it were not a Title I school. Title I 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 schools. For example, if a district paid a stipend for a school’s family engagement coordinator with local funds the prior year, it may use Title I funds to pay the stipend this year if 1) the school received its state and local funds without regard to its Title I status, and 2) the expense is necessary, reasonable, and allowable under Title I (and indicated by the district’s needs assessment and included in a district’s plan).
- Evidence of compliance:** Districts must demonstrate that the methodology they use to allocate state and local funds is “Title I neutral.” The methodology must provide each Title I school with all of the state and local money it would receive if it did not participate in the Title I program. In other words, a school may not be shortchanged state and local funds simply because it receives Title I funds. Evidence of compliance could include district and school budgets, policies, and supporting materials, or procedures for distributing resources to schools based on staffing positions or supply levels (i.e., one teacher per 25 middle school students; one assistant principal per 200 elementary students, one technology specialist per school, etc.) or some variation of weighted student funding (i.e., a formula allocating funding based on student needs).
- Targeted assistance schools:** Because SNS is no longer measured on an expense-by-expense basis for Title I, 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 neutral methodology. However, to be *allowable*, expenses need to support services for those students targeted for assistance.

Notes: ESSA does not prohibit districts from varying resources or funding among its schools (i.e., differing funding based on grade span or student needs). Rather, it prohibits basing such variation on the fact that a school will receive Title I resources. Also, districts, when making a supplanting determination, may exclude *supplemental* non-federal funds expended in any school for programs that meet the intent and purposes of Title I.

Title I: Maintenance of effort and comparability. How does SNS fit in?

Maintenance of effort: Requires districts to have a consistent base of state and local funding for public education from year to year.

Comparability: Requires that state and local funds are used, as a whole, to provide services that are comparable among Title I and non-Title I schools.

Supplement not supplant: Requires that districts distribute state and local funds to schools without regard to whether a school receives Title I funds.

SNS Presumptions

As with Title I, Part A, the goal of SNS for Title II, Part A, Title III, Part A and Title IV, Part A is to be sure that federal funds are spent in addition to and do not replace services that eligible students would otherwise receive. Unlike for Title I, the **test is an expense-by-expense measure for these Titles**.

Supplanting is presumed if any of the following is true, according to federal fiscal guidance (2 CFR Part 200, Appendix XI):

- 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.
- A district uses federal funds to provide services that the district would otherwise provide without federal funds.

Note: 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. For example, new STEAM professional development had been provided with state *grant* funds for middle school teachers, and the grant funds were not available for the coming year. Title IIA funds could be used for this PD, assuming no other presumption was violated and the district would not otherwise have been able to provide the PD.

Special Cases

SNS for **Title I, Part D** (services for students who are neglected, delinquent, or at-risk) is **measured simply**: If a Title I, D 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.

SNS for **Title III, Part A** presents unique challenges.

- In addition to supplementing state and local funds, Title III requires that funds supplement **federal** funds.
- Because the education of English learners is heavily regulated by the state and federally, avoiding the first presumption of supplanting can be challenging. For example, Title III, Part A funds may not be used to meet requirements of federal laws governing ELs (Title VI of the Civil Rights Act of 1964 and Equal Education Opportunities Act of 1974) and the Massachusetts LOOK Act (Chapter 138 of the Acts of 2017), among others.

Test your understanding: Does this meet supplement not supplant requirements?

- A district was paying for an elementary school's digital learning software with Title I, A funds, but wants to use those funds for math intervention this year. If the district uses Title IV, A funds to pay for the digital learning software, is it supplanting? **No, 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.**
- Assume that the digital learning software funded by Title I, A in the previous example was for English learners, could the district use Title III, Part A funds to pay for the program this year? **No, this switch would be supplanting. For Title III, Part A, supplanting includes other federal funds.**
- A targeted assistance school wants to buy math enrichment software for all students using Title I funds. Is this supplanting? Is it allowable under Title I? **This purchase would not be supplanting if the school received state and local funds without regard to its receipt of Title I funds. However, since the school has elected to target services only to its highest need students (as opposed to running a schoolwide program), the expenditure is not allowable (By law, targeted assistance schools may use Title I funds "only for programs that provide services to eligible children...identified as having the greatest need for special assistance." Section 1115).**
- A district wants to use Title III funds to pay for an outreach coordinator for the district's English Learner Parent Advisory Council, a new requirement under the LOOK Act for this district with 350 English learners. Is this supplanting? **Yes, because the existence of this council is required by state law, it is not considered supplemental.**
- A district has been paying for a Title I middle school's math enrichment software using local funds. Could the district use Title I, A funds to fund the math enrichment software this year without violating SNS? **Yes, if the district has distributed its state and local funds to the school in a Title-I neutral way, it may use its Title I, Part A funds for any expense allowable under Title I.**

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