OKLAHOMA Education

Elementary and Secondary Education Act (ESEA)
Supplement not Supplant (SNS) Requirements

Supplement not Supplant (SNS)

Supplement not Supplant (SNS) is a test to ensure that federal funds are supplemental to other available funds. ESEA funds may not be used to take the place of, or supplant, other funds. ESEA Section 1118(b)(1)

Some of the "supplement, not supplant" (SNS) requirements vary depending on the program. The table below is designed to help navigate SNS for each program to allow LEA's to use funds flexibly while remaining in compliance.

Federal funds must not replace:	Federal Funds	State Funds	Local Funds
Title I, Part A (evidenced by methodology)		X	X
Title II, Part A		X	X
Title III, Part A	X	X	X
Title IV, Part A		X	X
Title V, Part B	X	X	X

Title I, Part A

Title I, Part A SNS test no longer reviews individual Title I expenditures at the site or district level. Instead, SNS compliance is measured by whether the LEA has a written methodology to ensure that each Title I school receives all the state and local funds that it would have received if the school did not receive Title I funds. For example, if a school 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 district allocated 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 site's needs assessment and included in a site's plan). ESEA section 1118(b)(3). The same test applies to district-level reservations. For example, if the district paid for a team of instructional coaches using local funds in the prior year, it would not be considered supplanting to shift this expenditure to district-level Title I funds in the current year as long as 1) it has allocated state and local funds to its Title I schools through a Title I-neutral methodology and 2) the district-level Title I reservation is allowable, reasonable, necessary, and consistent with the needs identified in the LEA's comprehensive needs assessment and plan.

Comparing Maintenance of Effort, Comparability, Supplement not Supplant

Maintenance of Effort - Requires districts to have a consistent base of state and local funding for 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 LEAs distribute state and local funds to schools without regard to whether or not a school receives Title I funds.

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Note that district-level reservations should still not be used to evade the Title I methodology requirement. For example, an LEA could not reduce state/local allocations to Title I schools and then use district-level Title I reservations to replace those lost resources.

Methodology

LEAs must demonstrate that the methodology used to allocate state and local funds is "Title I 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 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 or some variation of weighted student funding (i.e., a formula allocating funding based on student needs). ESEA 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, LEAs, 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. ESEA Section 1118(b)(2)

Exceptions to Methodology

An LEA does not need to have a methodology to comply with ESEA Section 1118(b)(2) if it meets one of the following –

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

Although such an LEA need not have a methodology to comply with ESEA Section 1118(b)(2), it does not relieve the LEA of its requirement under ESEA Section 1118(b)(1) and elsewhere to operate consistent with all federal, state and local requirements and to provide free public education, including for schools and grade spans meeting the conditions described above. Supplement Not Supplant Title I, Part A of the Elementary and Secondary Education Act of 1965 As Amended By the Every Student Succeeds Act, June 2019

Targeted Assistance

Because SNS is no longer measured on an expense-by-expense basis for Title I, an LEA with a targeted assistance school is not required to document the school 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, the expenses need to support services for identified students.

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 ensure that federal funds are spent in addition to and are not used to replace services that eligible students would otherwise receive. Unlike for Title I, the test is an expense-by-expense measure. According to federal fiscal guidance, supplanting is presumed if any of the following is true -

- An LEA uses federal funds to provide services that are required under other federal, state, or local laws.
- A LEA uses federal funds to provide services that the district provided with non-federal funds in the prior year.
- A uses federal funds to provide services that the district would otherwise provide without federal funds. 2 C.F.R. Part 200, Appendix XI

Presumptions may be overcome if the LEA can demonstrate that it would not have provided the services absent the availability of these federal funds.

Exceptions – Title I, Part D and Title III, Part A

- Title I, Part D - If a 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 provided during those hours.
- Title III, Part A - In addition to supplementing state and local funds, Title III, Part A requires that funds supplement other federal resources as well. The education of English learners is heavily regulated and 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).

District Level Title I, Part A Reservation

Title I funds at the district level are not subject to the traditional supplement, not supplant requirements. ESEA Section 1118(b)(3) reads no district 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].

This flexibility applies to all Title I schools, including targeted assistance schools. Likewise, it applies to an LEA with respect to Title I resources not allocated to schools (see Supplement Not Supplant Title I, Part A of the Elementary and Secondary Education Act of 1965 As Amended By the Every Student Succeeds Act, June 2019 Section VI. Resources Not Allocated to Schools for further discussion).

Examples

Q – 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?
A – 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.

Q – 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?
A – No, this switch would be supplanting. For Title III, Part A, supplanting includes other federal funds.

Q – A Title I middle school has been paying for math enrichment software using local funds. Could the school use Title I, A funds to fund the math enrichment software this year without violating SNS?
A – 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.

Q - A district has historically paid for training in evidence-based reading strategies using local funds. The LEA now wants to use a district-level Title I, Part A reservation to fund training for staff who serve Title I students. Is this supplanting?

A – No. Title I, Part A does not apply an expense-by-expense supplement not supplant test. The prior use of local funds does not create a presumption of supplanting. The LEA must ensure the professional development is an allowable use of Title I funds, supports the needs of Title I students, that state and local funds were allocated to schools through a Title I-neutral methodology, and that the expense supports a need identified in the comprehensive needs assessment and plan.