

“Supplement, Not Supplant” for Non-Beginners



Date: **5/25/2023**



Training Topic: **Supplement, Not
Supplant**

Enter First Name, Last Name, E-mail.

Select Region and LEA.

Indicate Position Title

https://tea.co1.qualtrics.com/jfe/form/SV_71HkHxtHBzjhbNk

Disclaimer

This presentation is intended solely to provide general information and guidance to Texas LEAs and reflects the Texas Education Agency's current understanding of the presentation topics and applicable federal guidance. The content of this presentation is subject to change as a result of further potential information and guidance provided by federal agencies with regulatory oversight of these program(s). This presentation does not constitute legal advice, and LEAs are, therefore, advised to seek legal counsel regarding the information and guidance provided in this presentation before acting on such information and guidance.

Resources Available

- [U.S. Department of Education \(USDE\) Non-Regulatory Informational Document, June 2019](#)
- Texas Education Agency [Supplement, Not Supplant Handbook, version 6.0, revised May 2023](#)

SUPPLEMENT, NOT SUPPLANT HANDBOOK

*A GUIDE FOR GRANTS ADMINISTERED BY THE
TEXAS EDUCATION AGENCY*

Federal Program Compliance Division
Department of Grant Compliance and Administration

ESSASupport@tea.texas.gov

512-463-9499

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Version 6.0 (Revised 5/10/2023)

- Texas Education Agency Supplement, Not Supplant Handbook, Chart on pp. 2-3
 - Comparison of statutory language

Citation	Supplement, Not Supplant Provision
ESEA, as amended by ESSA, Title I, Part A, Improving Basic Programs Operated by LEAs [Section 1118(b)]	A State educational agency or local educational agency shall use Federal funds received under this part only to supplement the funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs assisted under this part, and not to supplant such funds. Information related to SNS requirements specific to Title I, Part A is available in Section B of this document.
ESEA, as amended by ESSA, Title I, Part A—School Improvement [Section 1003(e)(2)]	The non-regulatory guidance issued by the USDE states that “assuming an LEA allocates State and local funds through its methodology first, any school ... that receives Section 1003 funds would already have received, through the LEA’s methodology, all the State and local funds it would have received absent the 1003 funds. Thus, the LEA would be complying with both ESEA sections 1118(b)(2) and 1003(e)(2).” Therefore, Section B of this SNS Handbook would apply.
ESEA, as amended by ESSA, Title I, Part C—Education of Migratory Children [Sections 1304(c) and 1306(b)]	Such programs and projects will be carried out in a manner consistent with the objectives of ... subsections (b) and (c) of section 1118. This means that Title I, Part C is subject to SNS requirements, however, the USDE’s non-regulatory guidance is clear that because the initial allocation of Migrant funds is made to the State, rather than at the LEA level, the “specific requirements pertaining to the methodology...do not apply.” Refer to Section A of the SNS Handbook for the traditional SNS requirements.
ESEA, as amended by ESSA, Title I, Part D, Subpart 1—State Agency Programs [Section 1415(b)]	A program under this subpart that supplements the number of hours of instruction students receive from State and local sources shall be considered to comply with the SNS requirement of section 1118 (as applied to this Part) without regard to the subject area in which the instruction is given during those hours. This means that Title I, Part D, Subpart 1 is subject to SNS requirements, but the USDE’s non-regulatory guidance is clear that because the initial allocation of Part D funds is made to the State, rather than at the LEA level, the “specific requirements pertaining to the methodology...do not apply.” Refer to Section A of the SNS Handbook for the traditional SNS requirements.
ESEA, as amended by ESSA, Title II, Part A—Supporting Effective Instruction [Section 2301]	Funds made available under this title shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this title. Refer to Section A of this document for information about compliance.

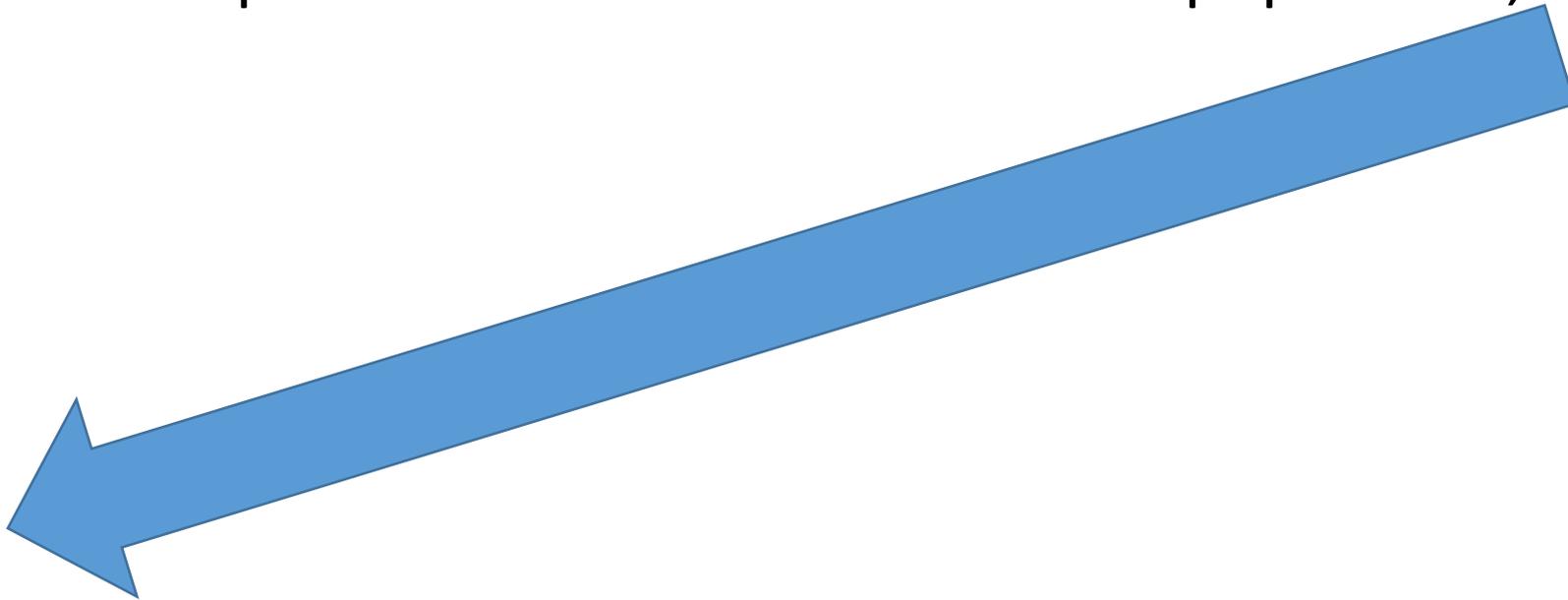
- Texas Education Agency [Supplement, Not Supplant Handbook](#), Chart on pp. 2-3
 - ESSER statute has no SNS provision

Citation	Supplement, Not Supplant Provision
ESEA, as amended by ESSA, Title III, Part A—English Language Acquisition, Language Enhancement, and Academic Achievement [Section 3115(g)]	Federal funds made available under this subpart shall be used so as to supplement the level of Federal, State, and local public funds that, in the absence of such availability, would have been expended for programs for limited English proficient children and immigrant children and youth and in no case to supplant such Federal, State, and local public funds. Refer to Section A of this document for information about compliance.
ESEA, as amended by ESSA, Title IV, Part A—21st Century Schools, Student Support and Academic Enrichment Grants [Section 4110]	Funds made available under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart. Refer to Section A of this document for information about compliance.
ESEA, as amended by ESSA, Title IV, Part B—21st Century Community Learning Centers [Section 4204(b)(2)(G)]	Subgrantees are required to assure “that subgrant funds under this part will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this part, be made available for programs and activities authorized under this part, and in no case supplant Federal, State, local, or non-Federal funds. Refer to Section A of this document for information about compliance.
ESEA, as amended by ESSA, Title V, Part B, Subpart 2—Rural and Low-Income Schools Program, [Section 5232]	Funds made available under subpart 1 or subpart 2 shall be used to supplement, and not supplant, any other Federal, State, or local education funds. Refer to Section A of this document for information on compliance.
Individuals with Disabilities Education Act (IDEA) [34 CFR 300.162(c)]	Funds paid to a state under Part B of the Act must be used to supplement the level of Federal, State, and local funds (including funds that are not under the direct control of the SEA or LEAs) expended for special education and related services provided to children with disabilities under Part B of the Act, and in no case to supplant those Federal, State, and local funds. Refer to Section A of this document for information about compliance.
Carl D. Perkins Career and Technical Education Act of 2006, as amended by P.L. 115-224, Title II, Part A, Section 211(a)	Funds made available under this Act for career and technical education activities shall supplement, and shall not supplant, non-Federal funds expended to carry out career and technical education activities. Refer to Section A of this document for information about compliance.
McKinney-Vento--Education for Homeless Children and Youths [42 United States Code, Section 11433(a)(2)(A)(iii)]	“Services...shall be designed to expand or improve services provided as part of a school’s regular academic program, but not to replace such services provided under such program.” Refer to Section A of this document for information about compliance.
ESSER I ESSER II ESSER III	The statutes authorizing ESSER I – III are silent on Supplement, Not Supplant, which means that Supplement, Not Supplant <u>does not apply</u> to ESSER funds. Other <u>specifics concerning ESSER requirements</u> are available on the Agency’s web site.

Purpose of Supplement, Not Supplant

Purpose of SNS Provision

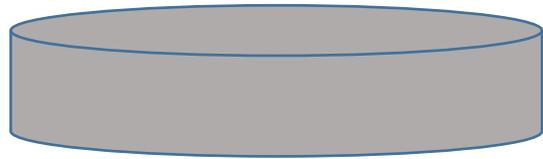
The purpose of the SNS provision is to help ensure that federal grant funds are expended to benefit the intended population,



not diverted to cover expenses that the LEA would have paid out of other funds in the event the federal funds were not available.

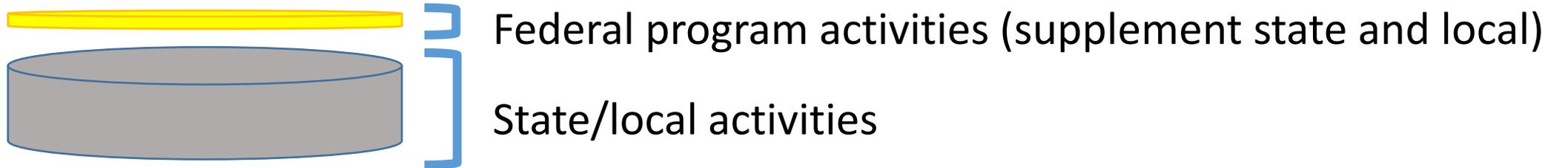
Most federal programs with SNS provision still use traditional documentation.

Program activities must be used to enhance, expand, or extend required activities.

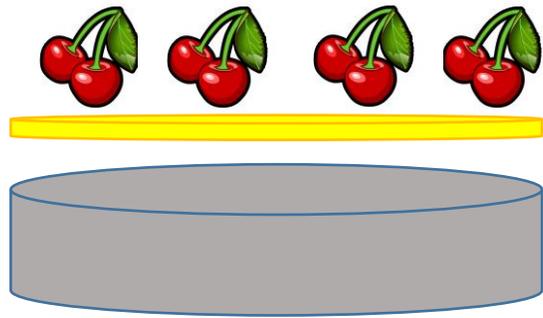


State/local activities

Traditional SNS

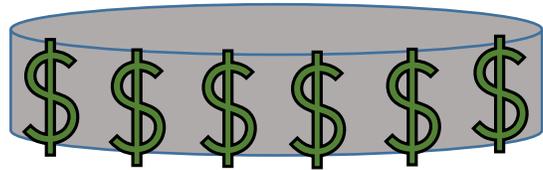


Traditional SNS



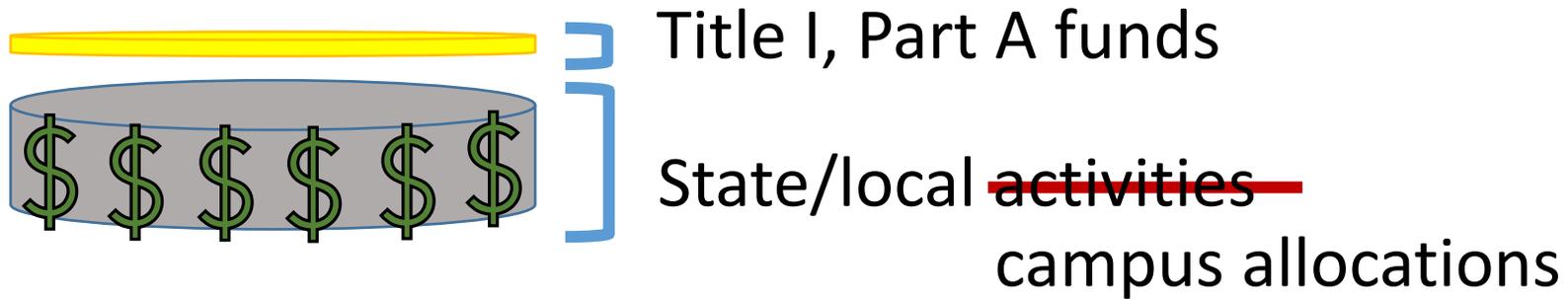
- Title III activities (supplement Federal, state, and local.)
- Federal program activities (supplement state and local)
- State/local activities

Title I, Part A SNS Methodology



State/local ~~activities~~
campus allocations

Title I, Part A SNS Methodology



SNS Handbook

- Traditional SNS Documentation (Section A)
- Title I, Part A Methodology Documentation (Section B)

Programs using Traditional SNS Documentation

- Title I, Part C
- Title I, Part D, Subpart 1
- Title II, Part A
- Title III, Part A
- Title IV, Part A
- Title IV, Part B
- Rural and Low-income Schools Program
- IDEA
- Perkins
- McKinney-Vento

Programs Covered by SNS Methodology

- Title I, Part A
- Title I School Improvement

Questions to Ask When Planning

- What program is involved?

If it is a program that uses traditional SNS documentation, the LEA should ask –

- Is the activity/service required by state or local law?
- Did the LEA provide this activity/service in the prior year?
- Did the LEA previously use non-federal funds to provide the activity/service?
- Is the activity/service provided with federal funds to some recipients and with state/local funds to other recipients?

If the answer to any of these questions is “Yes,” the LEA should consider whether it may need to rebut a presumption of supplanting, or use a different fund source.

Questions to Ask When Planning

- What program is involved?

If the answer is Title I, Part A, the LEA should ensure that it has either –

- A valid written methodology for distributing its state and local funds,
OR
- A Statement of Exemption.

If this requirement is met, the supplemental nature of Title I, Part A funds is established, and the LEA should consider the remaining items in the Title I, Part A Use of Funds document.

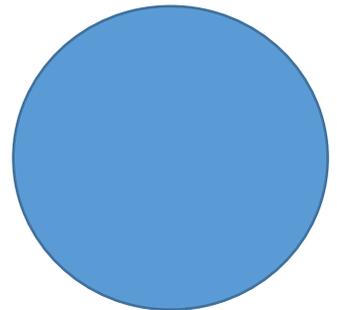
Scenarios for Discussion



- Question
- Discussion Time
(2-3 minutes)
- Poll
- Answer



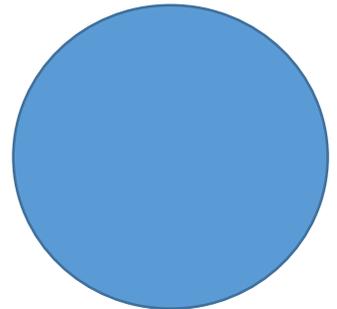
Is it allowable for Title II, Part A funds to be used for the Reading Academies?



Question 1A

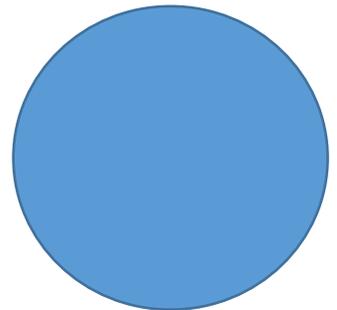
A large, white, stylized question mark is centered on a blue gradient background that transitions from a lighter blue at the top to a darker blue at the bottom. The question mark is composed of a thick, white stroke.

Can Title II, Part A funds be used to pay for substitutes for teachers to attend the Reading Academies?



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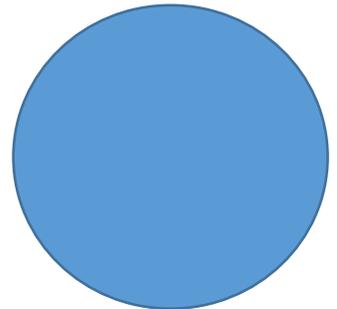
May Migrant Education Program (MEP) funds be used to pay for meals and snacks for migratory students on field trips?



Question 3

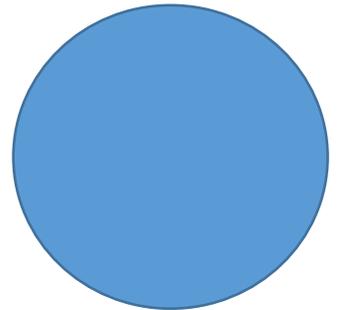


An LEA wants to use its Title III, Part A funds to certify teachers who are on a bilingual exception or ESL waiver. Is this allowable?





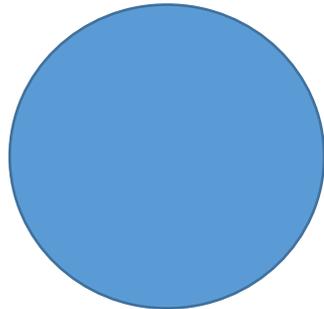
Is it allowable for Title I, Part A funds to be used for the Reading Academies?



Question 5



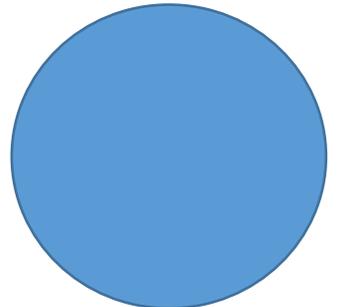
We were granted the Mentor Allotment last year and were able to pay for mentor stipends. This year, we were not granted the allotment, so may we go back to paying the stipends with Title II funds as in previous years?



Question 6

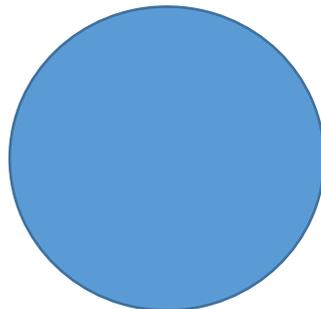


Can Title II Part A split-fund costs with Title I, Part A since Title I, Part A funds can only cover the cost of Title I, Part A schools? [e.g., substitutes for training or programs that are evidence-based]





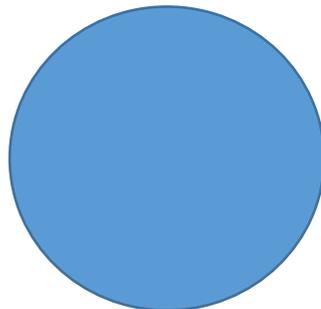
May the LEA use Title IV, Part A funds to purchase cardiopulmonary resuscitation (CPR) mannequins for student training?



Question 8



Can Title I, Part A funds be used to pay the salary of a campus principal?



Question 9

Can an LEA use Title I, Part C funds to provide supplemental instructional materials to migratory students who are dual-identified as English Learners, and Title III, Part A funds to provide supplemental instructional materials to English Learners who are not migratory?

Question 10

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House Bill 4545 requires LEAs to provide supplemental tutoring to students who do not pass the state assessment. What are the implications for our federal programs?

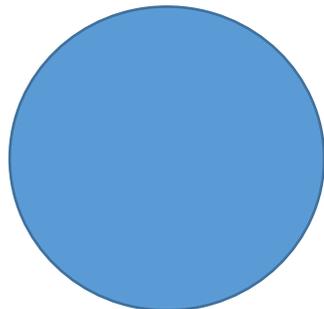
Supplemental Instruction Requirements under HB 4545

- Deliver targeted Texas Essential Knowledge and Skills (TEKS)-aligned instruction for the applicable grade level and subject areas.
- Be provided *in addition to* instruction normally provided to students in the grade level in which the student is enrolled.
- Be designed to assist the student in achieving satisfactory performance in the applicable grade level and subject area
- Not be scheduled such that a student is removed from any of the following:
 - Instruction in grade-level content for the foundation curriculum
 - Instruction in enrichment curriculum for the grade level in which the student is enrolled
 - Recess or physical activity that is available to other students enrolled in the same grade level.
- Be provided for no less than 30 hours total during the summer or subsequent school year. If provided during the subsequent school year, it should include instruction no less than once per week.
- If a student does not pass both math and reading STAAR tests, they will need to meet the 30-hour requirement for each of the two subject areas.
- Utilize effective instructional materials designed for supplemental instruction.
- Be delivered in a 1-on-1 or small group environment, with no more than 3 students in a small group.
- Be provided by an individual with training in aligned instructional materials and under the LEA's oversight. Ideally, the same individual provides tutoring continuously for the student's entire supplemental instruction period.

Question 11

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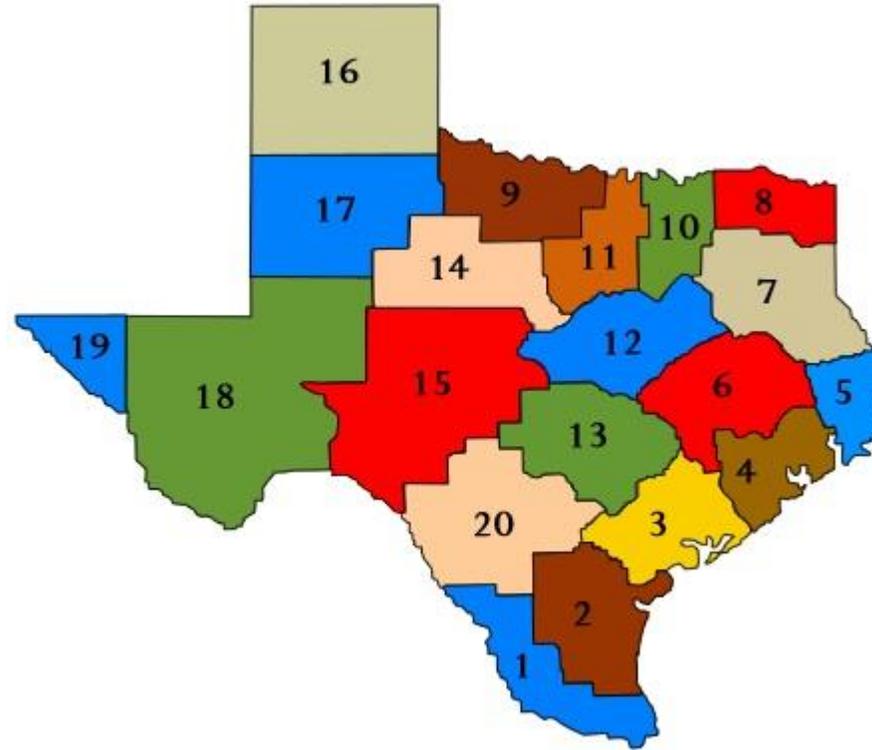
An LEA has been using Title IV, Part A funds to provide supplemental art and music classes under the goal of providing access to a well-rounded education to all students. What are the potential ramifications of moving that activity to the Title I, Part A program?



Question 12

An LEA wants to use Title II, Part A funds to send one of its teachers to a two-day training out-of-state to learn how to conduct formative assessments because the principal saw the speaker recently at a conference and thought she was great. Another teacher will be sent to a local university for a similar training, but the LEA plans to use local funds for that. What issues should the LEA consider before the trainings occur?

Regional Education Service Centers



Contact Information

Vivian Smyrl

Texas Education Agency

Vivian.Smyrl@TEA.Texas.gov

512-936-9216

Federal Program Compliance Division

ESSASupport@TEA.Texas.gov

512-463-9499

Date: **5/25/2023**



Training Topic: **Supplement, Not
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Indicate level of
agreement/disagreement with
statements

Provide feedback

https://tea.co1.qualtrics.com/jfe/form/SV_5p9RuuV4bR4nRf8