

# Supplement, not Supplant Requirements

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U.S. Department of Education



# Supplement, not Supplant Requirements

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# Supplement, not Supplant in Brief – General Principle

In general, the Title III supplement, not supplant requirement is intended to ensure that services provided with Title III funds are in addition to, and do not replace or supplant, services that students would otherwise receive.



# Title III Supplement, not Supplant Requirement

Title III funds must be used to supplement the level of Federal, State, and local funds that, in the absence of Title III funds, would have been expended for programs for LEP children and immigrant children and youth.

*[Section 3115(g) of ESEA]*



# The First Test of Supplanting: Required by Law

The Department assumes supplanting exists if –

A local educational agency (LEA) uses Title III funds to provide services that the LEA is required to make available under State or local laws, or other Federal laws.



# The Second Test of Supplanting: Prior Year

The Department assumes supplanting exists if –

An LEA uses Title III funds to provide services that it provided in the prior year with State, local, or other Federal funds.

This assumption may be rebutted.



***Any determination about supplanting is very fact specific, and it is difficult to provide general guidelines without examining the details of a situation.***



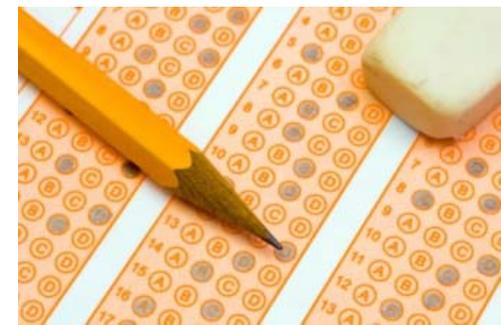
# Use of Title III Funds to Develop State ELP Assessments

Due to the supplanting requirement, a State may only use funds for State activities under Section 3111(b)(2) of Title III either to...



# Use of Title III Funds to Develop State ELP Assessments

- ❖ Pay for the costs of developing an ELP assessment, separate from the ELP assessment required under Title I, (that is aligned to the State's ELP standards), or
- ❖ Pay for the costs of enhancing an existing ELP assessment required under Title I in order to align it with the State's ELP standards required under Title III.



# Use of ESEA Funds to Administer State ELP Assessments

Title I and Title III funds **may not** be used to administer State ELP assessments because:

Title I does not specifically authorize this expenditure, which is necessary because the requirement applies to all LEP students (not just Title I students).



# Use of ESEA Funds to Administer State ELP Assessments

Use of Title III funds to administer State ELP assessments would violate the supplement, not supplant requirement since the ELP assessment is a requirement under Title I.

*An SEA may use Section 6111 funds to administer State ELP assessments.*



# Use of ESEA funds to Develop and Administer ELP Assessments for Identification and Placement

- ❖ **Neither** Title I **nor** Title III funds may be used to develop or administer ELP assessments for identification and placement purposes.
- ❖ Section 6111 funds **may not** be used for this purpose as they may only be used to fund assessments required under Section 1111(b)(7).



# Questions to Ask When Considering Whether Title III Funds Can be Used Without Violating the Supplement, not Supplant Requirement

- 1. What is the instructional program/service provided to all students?*
- 2. What does the LEA do to meet Lau requirements?*
- 3. What services is the LEA required by other Federal, State, and local laws or regulations to provide?*
- 4. Was the program/service previously provided with State, local, and Federal funds?*



*Based on the answers to these questions, would the proposed funds be used to provide an instructional program/service that is in addition to or supplemental to an instructional program/service that would otherwise be provided to LEP students in the absence of a Title III grant?*



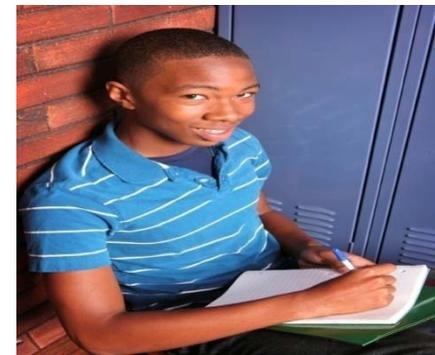
# ***MAY TITLE III FUNDS BE USED FOR ASSESSMENT OF LEP STUDENTS IN PRIVATE SCHOOLS?***

- 1. What is the instructional program/service provided to all students?*
- 2. What does the LEA do to meet Lau requirements?*
- 3. What services is the LEA required by other Federal, State, and local laws or regulations to provide?*
- 4. Was the program/service previously provided with State, local, and Federal funds?*



# ***MAY TITLE III FUNDS BE USED TO PROVIDE ACCOMMODATIONS FOR LEP STUDENTS?***

- 1. What is the instructional program/service provided to all students?*
- 2. What does the LEA do to meet Lau requirements?*
- 3. What services is the LEA required by other Federal, State, and local laws or regulations to provide?*
- 4. Was the program/service previously provided with State, local, and Federal funds?*





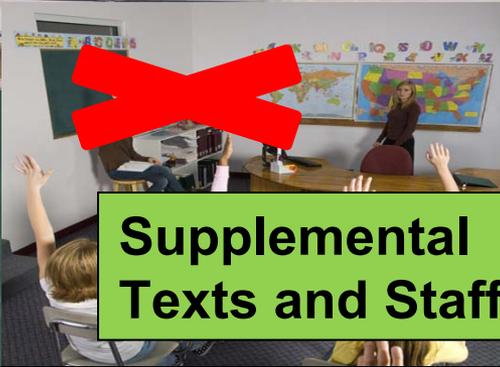
**Mr. Gomez**



**Ms. Son**



**State Law**



**Summer Program**

**Supplemental Texts and Staff**



**Mario**



**Summer School Bus**



**Supplemental Instruction**



**Paraprofessionals**



**Computer Center**



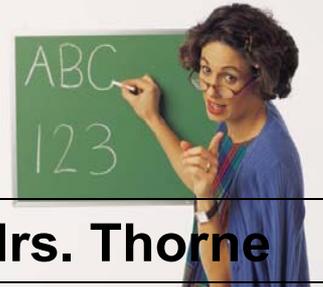
**Nadia**



**State Law**



**Printer**



**Mrs. Thorne**



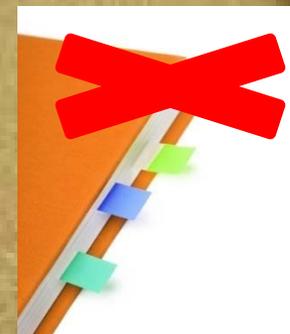
**Software**



**Computer**



**Leveled Readers**



**Textbook**



**Dr. Lee**



**Parent Letters**



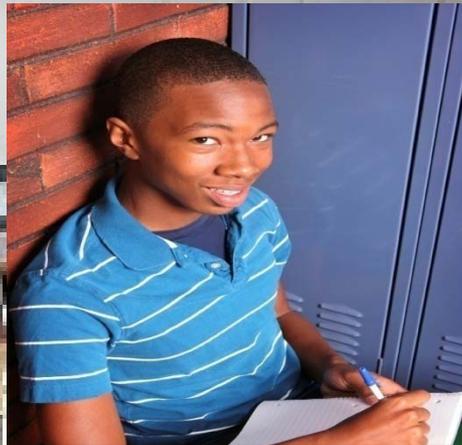
**Mr. Singh**



**State Law**



**AMAO Letters**



**Arman**



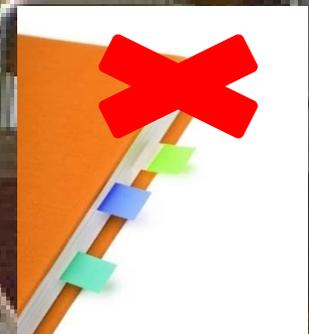
**Dr. Martinez**



**Manipulatives**



**Reference Guides**



**Textbook**

# Questions?

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## Resources:

**Title III State Formula Grant Program:**

<http://www.ed.gov/programs/sfgp/index.html>

**Supplement Not Supplant Guidance:**

<http://www.ed.gov/programs/sfgp/supplefinalattach2.pdf>

**Title III Administration Information:**

<http://www.ncela.gwu.edu/title3/>

