

North Dakota Department of Public Instruction  
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## **Title I Compliance Series**

**Issue: Supplement, Not Supplant**

### **Applicable for:**

- Targeted Assistance Schools
- Schoolwide Schools



September 2007

**North Dakota Department of Public Instruction  
TITLE I FAST FACT SERIES**

**Issue: Supplement, Not Supplant – A Fiscal Analysis**

**Overview**

The supplement, not supplant requirement is a key regulation in the *No Child Left Behind* (NCLB) Act. Many school districts struggle in understanding the concepts behind the supplement, not supplant requirement and how it relates to fiscal requirements.

When school districts are monitored, Title I related expenditures are reviewed. The supplement, not supplant regulation is taken into consideration during this review. If the monitor determines that there has been a supplanting violation, the school district may have to repay Title I funds relating to this issue. In addition, violations of the supplement, not supplant requirement could affect a school district's future Title I allocations.

**Definition**

In general, to supplement, not supplant means that Title I funds are used to implement programs and services that would not be available if it were not for these federal funds. In other words, if Title I funds were not available to do this activity, the district would not do it.

There is no one supplement, not supplant definition that applies to the whole NCLB Act. Rather, the supplement, not supplant requirements are spelled out in various parts of the Act and are often defined differently. For instance, the Title I section of NCLB states that federal Title I funds should only be used to supplement the funds that would, in absence of such federal funds, be made available from non-federal sources. Where as, the Title V section of the law prevents school districts from shifting local, state, or other costs to Title V. In other words, the Title V supplement, not supplant language is stricter than the Title I supplement, not supplant language. School districts should make sure they fully understand the wording of the particular federal program's supplement, not supplant language they are working with.

**The Supplement, Not Supplant Tests**

When determining whether a fiscal expenditure supplements and not supplants, school districts must run these three tests.

- ✓ **Test I: Required** – Is the program or activity that the district wants to fund required under state, local, or another federal law? If it is, then it is supplanting.
- ✓ **Test II: Equivalency** – Were state or local funds used in the past to pay for this program or activity? If they were, it is supplanting.
- ✓ **Test III: Non-Title I Programs** – Are the same programs or activities being implemented in other schools that do not receive Title I funds AND are these programs and activities being paid for with state or local funds? If yes, then this is supplanting.

If an expenditure does not pass any of the above tests, then it is presumed that Title I funds are supplanting state or local funds. **Expenditures must pass all three tests to truly be supplemental.**

**Document, Document, Document**

It is possible for a school district to have a particular expense that *may look like* supplanting, but in actuality, it is not. Districts in this scenario must be sure to provide adequate documentation. This documentation would need to prove how the three tests outlined above have been passed. Including:

- Demonstrate that the program or activity would not have been provided if Title I funds were not available.
- Demonstrate that the state or local funds that had been paying for this program or activity in years past are no longer available.

OR

- Documentation that the "Title I look-alike program" is funded by supplemental local funds, specifically set-aside for this purpose.

If you have additional questions regarding this issue, please contact:

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# North Dakota Department of Public Instruction

## TITLE I FAST FACT SERIES

### Issue: Supplement, not Supplant – Regulation for Targeted Assistance Schools

All targeted assistance schools must ensure that services provided by Title I personnel, regardless of the model of delivery used, are supplemental.

Title I services are supplemental in terms of greater instructional intensity and opportunity to learn. Title I teachers may pre-teach, re-teach, or post-teach skills being presented in the classroom. Instruction from Title I personnel should be an extension of the services received in the classroom. Professional Title I teachers should teach alternative strategies or reinforce those skills needed to enhance learning and enable the students to complete their work independently.

All students must receive the primary instruction in all academic areas from their regular classroom teacher. Title I students may also receive instruction above and beyond the primary instruction from Title I personnel.

Title I teachers are encouraged to collaborate with classroom teachers as much as possible. However, this does not include a scenario where Title I teachers team-teach using the in-class model and taking a reading group consisting of Title I students. This is not allowable and is considered supplanting. Replacing services defeats the principle behind Title I programming, which is to provide targeted students with more instruction, above and beyond what they receive in the classroom.

Title I funds are not intended to be used as general aid to the regular classroom. Title I teachers must focus instruction on identified students. Title I services exist so identified, at-risk students can receive additional services than what the regular education program provides.

In a Title I targeted assistance program, Title I teachers **CANNOT**:

1. Take a reading group and instruct on a regular basis
2. Team teach on a regular basis
3. Work with non-Title I students on a regular basis
4. Take the whole class while the teacher leaves
5. Service all students in a summer school program funded with Title I dollars

In a Title I targeted assistance program, Title I teachers **CAN**:

1. Provide additional services to Title I students after a reading group finishes with the classroom teacher
2. Work closely with classroom teachers so Title I instruction is aligned to classroom instruction
3. Incidentally include a non-Title I student in a small group setting but only occasionally and randomly
4. Provide an occasional demonstration lesson to the whole class
5. Allow non-Title I students who pay a fee to attend a Title I sponsored summer school program

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# North Dakota Department of Public Instruction TITLE I SCHOOLWIDE FAST FACT SERIES

## Issue: Supplement vs. Supplant in a Title I Schoolwide Program

### **Supplement, Not Supplant in a Targeted Assistance Title I Program**

In a Title I targeted assistance program, the “supplement not supplant” regulation means that Title I funds and Title I services must supplement and not supplant all regular school programming. In other words, a school may not use Title I funds to perform a service—such as paying all teachers a professional development stipend or buying classroom textbooks—that would normally be paid for with local or state dollars. All services provided by personnel paid with Title I funds must be supplemental in terms of providing additional instructional services for students identified for Title I services.

### **Supplement, Not Supplant in a Schoolwide Title I Program**

Section 1114 for schoolwide programs for Title I law under *No Child Left Behind* reads as follows:

(a)(2)(B) SUPPLEMENTAL FUNDS.—A school participating in a schoolwide program shall use funds available to carry out this section only to supplement the amount of funds that would, in the absence of funds under this part, be made available from non-federal sources for the school, including funds needed to provide services that are required by law for children with disabilities and children with limited English proficiency.

In a schoolwide program, supplementing is purely a fiscal analysis. A schoolwide program must use Title I funds to supplement the funds that are available from non-federal sources—i.e., to supplement district and state funds. At the same time, the schoolwide program is not required to demonstrate that the services provided supplement services regularly provided as long as the overall level of services is higher than it would be without federal dollars. In a schoolwide program it doesn't matter which service came from which funding source—federal, state, or local—as long as overall all students have access to more services.

Title I schoolwide funds may NOT be used toward expenditures that, in the past, have been paid for with state or local funds (e.g., teachers, administrators, textbooks, etc.). Rather, Title I funds should be used in ways that will allow you to provide more instructional services to your students than are available without Title I funding. All students should be able to benefit from these additional programs.

### **Schoolwide Programs and *No Child Left Behind***

*No Child Left Behind* sets ambitious goals for raising student achievement in mathematics and reading. As you know, these are the same goals that have always been the purpose of the option of schoolwide programming—designing a school system where ALL students reach high academic standards in reading and mathematics. Schoolwide programs have an advantage to use their federal funds to support schoolwide initiatives toward reaching that goal.

Nationwide, Congress has appropriated a significant increase in Title I funding. The purpose of these additional Title I funds, is to help schools meet the ambitious student achievement goals set out in *No Child Left Behind* and in schoolwide programming. With the addition of an impending timetable, schools that hope to achieve 100% proficiency need to utilize their federal funds wisely and begin to implement programming that will raise student achievement scores. Therefore, schools need to spend Title I money wisely and within the regulations of Title I law.

### **Spending Title I Dollars in a Schoolwide Program**

As you know, the allocation of Title I dollars in a schoolwide program should be based on the results of ongoing data analysis at each school to determine what your school needs to raise academic achievement in reading and math. Below is a list of possible ways that a schoolwide program could spend additional Title I dollars to increase student achievement. If one of the ideas listed below matches well with your particular program, consider implementing one of these approaches:

<ul style="list-style-type: none"> <li>▪ Hiring additional teachers to reduce class size.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Hiring a preschool teacher.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Spending Title I dollars to get all staff highly qualified.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Hiring staff for a research-based, extended day program.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Spending additional Title I dollars on effective supplemental services offered before or after the regular school day.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Paying all teachers stipends for participating in ongoing professional development beyond contract time.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Hiring a parent liaison to make sure that all students attend school regularly and parents are involved in their child's education.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Hiring a data coordinator or school improvement coordinator to organize all improvement efforts.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Extending a half day or three day a week kindergarten program to a full time program.</li> </ul>
<ul style="list-style-type: none"> <li>▪ Implement a supplemental reading component to your core program to include all components of SBRR. The ND Reading First website has a state-approved list of programs found to be based on SBR that have a proven record of effectiveness.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Hiring staff instructional coaches who provide ongoing guidance to all staff members on implementing and improving research-proven instructional strategies.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Hiring a professional development technical assistance provider to guide schoolwide study groups, monitor instructional changes, and assist in data analysis.</li> </ul>

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